

J57KKOU1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x

4 UNITED STATES OF AMERICA

5 v. 17 CR 417 (AKH)

6 ALI KOURANI, Jury Trial
7 Defendant.

8 -----x
9 New York, N.Y.
10 May 7, 2019
11 10:00 a.m.

12 Before:

13 HON. ALVIN K. HELLERSTEIN,
14 District Judge
15 And A Jury

16 APPEARANCES
17

18 GEOFFREY S. BERMAN
19 United States Attorney for the
20 Southern District of New York
21 AMANDA L. HOULE
22 EMIL J. BOVE III
23 Assistant United States Attorneys

24 ALEXEI SCHACHT
25 Attorney for Defendant

26 ALSO PRESENT: KERI SHANNON, Special Agent FBI
27 MARGARET SHIELDS, Paralegal, US Attorney's Office

J57KKOU1

Opening - Ms. Houle

1 (Trial resumed; in open court; jury present)

2 (A jury of 12 and 2 alternates was impaneled and
3 sworn)

4 THE COURT: Good morning, ladies and gentlemen.

5 JURY MEMBERS: Good morning, your Honor.

6 THE COURT: Thank you for your promptness.

7 Ms. Jones has distributed notebooks to all of you.

8 Whether you use them or not is your decision. Some people are
9 good with taking notes, some people pay better attention. That
10 way, conversely, others do better without notes. So it's an
11 individual choice.

12 You cannot use your notes to prove a point to somebody
13 else. Your notes are only for your own individual use.
14 Notebooks will be taken from you before the lunch break and
15 returned to you when you come back, and they'll be taken from
16 you at the end of the day and returned to you the next morning.

17 We're now going to have the openings. The openings
18 are presentations by each side of what they expect the proof
19 will show.

20 Ms. Houle will start for the government.

21 MS. HOULE: The defendant, Ali Kourani, was a
22 terrorist operative for Hezbollah, part of a sleeper cell here
23 in New York City. For years, the defendant lived in the United
24 States under a cover of normalcy, waiting, ready, ready to
25 commit an attack against the United States. And while the

J57KKOU1

Opening - Ms. Houle

1 defendant lurked in the shadows, he collected information for
2 Hezbollah to help plan future attacks, information like
3 security features at airports and important government
4 buildings, including a building just across the street from
5 this courthouse.

6 The defendant was a member of a terrorist cell here in
7 this city. That is why we are here today. That is what this
8 case is about.

9 Now, through the course of this trial, you will learn
10 all about the defendant's support for Hezbollah - his
11 recruitment, his training, his operations. This opening
12 statement is my opportunity to give you a preview of what the
13 evidence will be. So let me spend a few minutes by telling you
14 what I expect the evidence will show.

15 You'll learn the ins and outs of Hezbollah, that it is
16 a terrorist organization based out of Lebanon in the Middle
17 East, that when it announced itself, it declared America is
18 behind all of our catastrophes, that it partners with Iran to
19 target the United States and Israel, that it has murdered
20 civilians all over the world. And you will learn about the
21 different parts of Hezbollah. In particular, you will learn
22 about the Islamic Jihad Organization, a secret and deadly
23 network of terrorists planted all over the world, just like the
24 defendant.

25 And you will learn about the defendant's long history

J57KKOU1

Opening - Ms. Houle

1 with Hezbollah, how he was recruited by Hezbollah in Lebanon.

2 You see, the defendant came from a prominent family in Lebanon,
3 with Hezbollah connections at the highest ranks. And so, in
4 the year 2000, when the defendant was 16, Hezbollah began to
5 groom the defendant, to train him, on military tactics, how to
6 use machine guns, and other combat weapons. Hezbollah was
7 making sure that the defendant was ready to fight.

8 And sometimes fighting for Hezbollah means being on
9 the front lines of a battle in Lebanon. The defendant was
10 ready for that. But Hezbollah is a sophisticated terrorist
11 organization. It has operations all over the world, and
12 Hezbollah plays the long game. So sometimes fighting for
13 Hezbollah means leaving Lebanon, laying roots in another
14 country, quietly helping Hezbollah plan for attacks there.
15 That's what the defendant did here in the United States.

16 In 2003, the defendant came to the United States, and
17 he started to build a cover identity. He went to school for a
18 degree that he would only ever use as part of his cover, and he
19 started to build relationships here.

20 In 2008, Hezbollah promoted the defendant. He was
21 recruited into the Islamic Jihad Organization, that secret and
22 deadly network of terrorists all over the world. And as part
23 of his membership in the Islamic Jihad Organization, the
24 defendant would receive additional training from Hezbollah,
25 training, again, in military tactics and how to use weapons,

J57KKOU1

Opening - Ms. Houle

1 but also in how to collect intelligence secretly for attacks,
2 and how to avoid questioning if the defendant was caught, how
3 to manipulate his interviewers, so that the defendant could
4 protect himself and protect Hezbollah.

5 By 2008, the defendant was no longer just a trained
6 soldier, ready to fight on the front lines. He was now a spy
7 for Hezbollah, ready to help plan attacks in the United States.

8 So what was his first step? Deepen his cover.
9 Hezbollah told the defendant to become a United States citizen,
10 and to get a U.S. passport, so that he could travel more easily
11 for terrorist operations. The defendant did exactly that.

12 His next step? Help Hezbollah plan for attacks in the
13 United States. How did he do that? Well, one way was to
14 collect information for Hezbollah about targets for attacks. I
15 already mentioned some of the surveillance that the defendant
16 conducted. He collected information for Hezbollah about
17 important buildings in New York City, buildings used to store
18 weapons and to protect the city against attacks, buildings
19 filled with law enforcement, but also with everyday citizens.
20 Take that building I mentioned across the street from this
21 courthouse. In it, FBI offices, U.S. Citizenship and
22 Immigration Services, a court, and a daycare center. That is a
23 building that the defendant scoped for a Hezbollah attack.

24 And the defendant's surveillance was not limited to
25 important government buildings. He scoped out airports for

J57KKOU1

Opening - Ms. Houle

1 Hezbollah, for attacks, including JFK Airport. The defendant
2 collected information for Hezbollah and reported back on the
3 security features at JFK, things like where the security were
4 located, whether they were armed, what types of questions they
5 asked to the travelers to try and screen them, and where the
6 cameras were. The defendant provided a roadmap to Hezbollah
7 for how a terrorist could avoid detection at JFK.

8 And the defendant researched gun suppliers in New York
9 City for Hezbollah, so that Hezbollah could stockpile weapons
10 and have them ready for an attack. The defendant completed
11 task after task for Hezbollah, and all the while, he did it in
12 secret, using his training to appear like an everyday
13 New Yorker.

14 But as time went on, it became difficult for the
15 defendant to keep up this cover identity, and his relationship
16 with Hezbollah also began to shift. In 2013, the defendant was
17 arrested by the New York City Police Department. Being
18 arrested, even on a minor offense, is bad for a secret
19 terrorist operative. It puts you on the radar of law
20 enforcement, and that's what happened to the defendant.

21 Law enforcement started to look more closely at what
22 the defendant was doing here in the United States, and the
23 defendant could tell. He was being stopped regularly at
24 airports and questioned, and he knew that the U.S. Government
25 was on to him.

J57KKOU1

Opening - Ms. Houle

In 2016, the FBI approached the defendant, and they told him loud and clear, we know what you're up to. The FBI agents told the defendant to be honest about his connections to Hezbollah, to provide information that could be important to U.S. national security, and they told the defendant that if he did not tell the truth, they would continue to investigate him.

The defendant refused to provide his information. He used his specialized training to avoid the FBI's questioning, and like the true intelligence operative that he was, he used those meetings to try and collect information from the FBI, like who their sources were and what they knew about Hezbollah.

At the end of those meetings, the defendant challenged the FBI. He told them to bring it with their investigation. That was his words. And the FBI gave the defendant what he asked for. In 2016, the FBI continued to investigate the defendant, and that meant speaking with people from all aspects of the defendant's life. The defendant's cover was cracking, and he could feel it.

And the defendant's relationship to Hezbollah was also under pressure. Hezbollah grew suspicious about the defendant's many interactions with U.S. law enforcement, and they questioned him about it. And in the summer of 2016, the defendant had an argument with his wife in Lebanon, and that argument involved some of her family members, who were also part of Hezbollah. After that argument, the defendant's wife

J57KKOU1

Opening - Ms. Houle

1 left for Canada, taking their children with her. The defendant
2 came back to the United States alone, and he was angry. He
3 wanted to take his children back from his wife, and he wanted
4 revenge on those Hezbollah members who sided against him.

5 At that point, the defendant knew that his options
6 were limited. The FBI was openly investigating him, and the
7 defendant's cover identity was falling apart. But the
8 defendant thought that he still had a card left to play. He
9 believed that the FBI still wanted to hear from him about
10 Hezbollah's inner workings. He believed that his information
11 had value. And so he decided he would try and leverage the
12 value of his information about Hezbollah to demand benefits
13 from the U.S. Government, benefits like taking his children
14 from his wife and having her family members arrested for their
15 support for Hezbollah. And his demands did not stop there.
16 The defendant demanded things like a high-paying job, like
17 being put up in a doorman building in New York City, like
18 having his family members brought over from Lebanon into the
19 United States and given legal status here.

20 And, remember, the defendant was a sophisticated spy,
21 and he is no fool. So he also had a backup plan. He would use
22 these meetings with the FBI not just to provide information
23 about Hezbollah and demand benefits, but also to try and
24 collect intelligence from the FBI, information about how they
25 investigate terrorists, who their sources are, what they know

J57KKOU1

Opening - Ms. Houle

1 about Hezbollah and the Islamic Jihad Organization, information
2 that he could bring back to enemies of the United States, like
3 Iran and Hezbollah, if the defendant needed to reestablish
4 himself in Hezbollah in Lebanon.

5 The defendant set this plan in motion by finding an
6 attorney who reached out to the FBI and said that the defendant
7 wanted to meet. The FBI was willing to meet with the
8 defendant, but the agents were clear from the start: We cannot
9 promise you any benefits.

10 In early 2017, the defendant set his mission in
11 motion. He met with the FBI agents five times. Like those
12 meetings with the FBI in 2016, the defendant tried to collect
13 intelligence from the FBI. But, unlike in 2016, the defendant
14 was now ready to share some of his information about Hezbollah.
15 He told the FBI agents about his recruitment into Hezbollah,
16 his training, some of his operations in the United States, his
17 membership in the Islamic Jihad Organization.

18 With each meeting, the defendant provided a little
19 more information, constantly testing whether he had told the
20 agents enough to get all of those benefits that he was
21 demanding.

22 But the FBI didn't give in to the defendant's
23 benefits, and he grew frustrated. He and his attorney
24 threatened the FBI to shut down the meetings, to contact the
25 media, to have the defendant flee back to Lebanon, where the

J57KKOU1

Opening - Ms. Houle

1 agents knew that he could provide information about them and
2 their investigation to Hezbollah.

3 Ladies and gentlemen, the defendant miscalculated.
4 His mission failed. The U.S. Government was not prepared to
5 provide benefits and a doorman building to a terrorist, and the
6 FBI wasn't going to give the defendant a pass for his more than
7 15 years of support to Hezbollah, including targeting buildings
8 in New York City and airports. And those meetings that the
9 defendant had with the FBI were more than just a failed effort
10 to demand benefits and extract intelligence; they were a
11 confession. They are powerful evidence of the defendant's
12 support to Hezbollah.

13 Based on the defendant's confession and other evidence
14 that the FBI collected, the defendant was arrested. And that's
15 why he stands charged here before you today for his crimes.

16 So that's what the evidence will show: That the
17 defendant was a highly trained Hezbollah operative, that he was
18 a member of the Islamic Jihad Organization, and that he was
19 planted in the United States to be ready for an attack, and to
20 help plan attacks.

21 So now that I've described what I expect the evidence
22 will show, let me spend just a few minutes describing what that
23 evidence will look like, how the government will prove its case
24 to you.

25 Well, you'll hear about the defendant's crimes as he

J57KKOU1

Opening - Ms. Houle

1 described them. Those two FBI agents who interviewed the
2 defendant in 2017 will testify, and they will tell you what the
3 defendant said about his recruitment, his training, his
4 operations, his membership in the Islamic Jihad Organization.
5 And the defendant didn't just describe his crimes. He
6 identified photographs of the buildings that he surveilled for
7 Hezbollah. You'll see those photographs.

8 He identified photographs of the weapons that he used.
9 You'll see those photographs as well.

10 And during the course of the defendant's meetings with
11 the FBI, as he was telling them, in no uncertain terms, I am a
12 member of Hezbollah's Islamic Jihad Organization, a member of
13 Hezbollah's black ops, as he described it. He was taking notes
14 of those meetings. Those notes were seized from his apartment,
15 and you will see them as well, notes that the defendant could
16 use to keep track of what information he had given up to the
17 FBI, and also what information he could use against the FBI, if
18 he executed that backup plan, of going back to Hezbollah in
19 Lebanon.

20 You'll hear from other law enforcement officers who
21 investigated the defendant and interacted with him. You'll
22 hear from one of those FBI agents who met with the defendant in
23 2016, when he denied his membership in Hezbollah, and when he
24 tried to collect intelligence from the FBI. You'll hear from
25 an FBI agent who searched the defendant's apartment after he

J57KKOU1

Opening - Ms. Houle

1 was arrested and found things like those notes that I
2 mentioned, and also things like combat boots and a go bag ready
3 with thousands of dollars and identification documents. You'll
4 hear from an officer who caught the defendant trying to sneak a
5 small memory card into the United States from Lebanon, a memory
6 card that he had taken out of his phone and tried to hide under
7 a sticker on his passport.

8 You'll hear from witnesses who will show you travel
9 documents for the defendant that show his movement through the
10 United States and Lebanon, and through those airports that he
11 surveilled for Hezbollah. You'll hear from a witness who will
12 show you the applications that the defendant filed at
13 Hezbollah's direction - for U.S. citizenship, a U.S. passport,
14 and a U.S. passport card.

15 You'll hear from witnesses who will show you evidence
16 collected from the defendant's electronic devices and accounts,
17 like his computer and his email accounts.

18 Some of that evidence will focus on what was found in
19 the accounts, things like Hezbollah propaganda, searches for
20 guns and other tactical equipment, research on Israel's
21 intelligence operations. You'll even see a search that the
22 defendant conducted of a building that he admitted to
23 surveilling for Hezbollah.

24 And some of that evidence will focus on what wasn't
25 found in the defendant's accounts - things like Facebook

J57KKOU1

Opening - Ms. Houle

1 messages that he intentionally deleted with other members of
2 Hezbollah and email accounts that were abandoned after they
3 were set up by the defendant's Hezbollah supervisor in Lebanon.

4 And you will hear from witnesses who will give you
5 some context, so that you can understand the other evidence in
6 this case. You'll hear from a witness who specializes in
7 Hezbollah, who will explain to you its background, its
8 membership, its structure. You'll hear from a witness who
9 specializes in firearms, and he will describe to you the
10 specifics of those guns that the defendant admitted to using
11 during his Hezbollah training.

12 You'll hear from witnesses who will tell you about
13 those government buildings that the defendant surveilled for
14 Hezbollah, why they are strategic targets, where they're
15 located, who works inside of them, what's inside, and what the
16 U.S. Government does to try and protect against the very type
17 of surveillance that the defendant conducted.

18 So, as a result of the defendant's training by
19 Hezbollah, as a result of his efforts to help terrorists plan
20 attacks in this country, he is charged with eight crimes. At
21 the end of this trial, Judge Hellerstein will give you
22 instructions on the law, and he will describe the details of
23 all of those crimes, but, generally, they relate to the
24 defendant's support for Hezbollah, his military training from
25 Hezbollah, the weapons that he used in that military training

J57KKOU1

Opening - Ms. Houle

1 and in his support for Hezbollah, and the fraudulent U.S.
2 citizenship application that the defendant filed at Hezbollah's
3 instruction. On that application, the defendant claimed that
4 he had never been a member of a terrorist organization.

5 At the end of this trial, you will know the truth -
6 that the defendant was a Hezbollah terrorist, a member of the
7 Islamic Jihad Organization, that he was here ready to commit
8 attacks, and that he helped Hezbollah plan for attacks, that he
9 is guilty of each of the crimes charged.

10 At the end of this trial, the government will have
11 another opportunity to stand up here and explain to you how all
12 of the evidence fits together to prove that the defendant is
13 guilty beyond a reasonable doubt. Between now and then, we ask
14 that you do three things:

15 First, pay careful attention to the evidence as it
16 comes in;

17 Second, follow Judge Hellerstein's instructions on the
18 law;

19 And, third, use your common sense, the same common
20 sense that you use every day in your lives.

21 If you do these three things, the defendant will have
22 what every defendant deserves in an American courtroom, a fair
23 and just trial, and you will reach the only verdict consistent
24 with the evidence in this case, that the defendant is guilty as
25 charged.

J57KKOU1

Opening - Mr. Schacht

1 THE COURT: Thank you, Ms. Houle.

2 Mr. Schacht.

3 MR. SCHACHT: Thank you very much, your Honor.

4 May it please the Court, members of the jury:

5 The evidence in this case is going to show that my
6 client is not, and was not, a terrorist, and did not provide
7 material support to a terrorist organization, Hezbollah. I'm
8 going to talk now just about what the evidence is. I'm not
9 going to tell you a story; I'm going to talk about the
10 evidence.

11 My client was born in a small town, and lived, and
12 grew up in a small town in southern Lebanon, near the Israeli
13 border. The town that my client is from is in the area of
14 Lebanon that is controlled by Hezbollah. He grew up surrounded
15 by Hezbollah, as did everyone else from that part of Lebanon.

16 You will hear that the structure of the government and
17 the Country of Lebanon is divided into different ethnic and
18 religious groups, and so the Government of Lebanon actually has
19 a religious split, where one of the leaders has to be a
20 Christian, one has to be a Shia Muslim, and you'll learn that
21 there's an historical schism, or split, between Shia and Sunni
22 Islam, which are two different branches of Islam, and that the
23 people in Hezbollah, and many of the people in South Lebanon,
24 are Shia Muslims.

25 My client is a Shia Muslim, and he grew up in an

J57KKOU1

Opening - Mr. Schacht

1 atmosphere in which almost everybody was involved by being
2 taken care of, in some sense, by Hezbollah, because Hezbollah
3 is a terrorist organization that does commit acts of violence,
4 but it also is part of the government's structure, it has seats
5 in the parliament of Lebanon, and they provide education and
6 medical services for people. And so everyone in Lebanon,
7 especially South Lebanon, has some connection to Hezbollah and
8 knows about Hezbollah, because, while it's an illegal terrorist
9 organization in the United States, in Lebanon, it's not
10 illegal, it's a legitimate part of the government there.

11 Be that as it may, my client certainly knows many
12 people that he grew up with who are involved in Hezbollah. You
13 will see some emails from people he knows that were sent to
14 him, for example, with things about Hezbollah. The evidence
15 will show that's simply a function of where he grew up.

16 What you will not see -- and the evidence will not
17 show -- is that there is any shred of evidence, other than some
18 statements that he himself made that Ms. Houle talked about in
19 meetings with the FBI, with another lawyer, not me, present
20 with him. There is not one shred of evidence against him. You
21 will not hear, for example, from anybody from Lebanon.

22 Ms. Houle talked about Hezbollah grew suspicious of him.
23 You're not going to hear any evidence from anybody who's in
24 Hezbollah who's going to tell you about what Hezbollah
25 supposedly is thinking or doing. You're not going to hear any

J57KKOU1

Opening - Mr. Schacht

1 wiretaps. You're not going to see any physical evidence of the
2 form of fingerprints, or DNA, or anything of that sort. The
3 reason why you're not going to see any evidence of my client's
4 guilt is because he's not guilty.

5 What happened here is a few years ago, the FBI started
6 approaching my client. This was after he was arrested. It's
7 true, in a counterfeit clothing case, he was arrested, and what
8 happened was FBI agents started approaching him. Rather than
9 my client seeking benefits from the FBI, what happened is, they
10 were begging him to cooperate. So the FBI would stop him, and
11 other intelligence agencies would stop him, literally around
12 the world. He was stopped in Lebanon, he was stopped in
13 Wisconsin, Chicago, New York. They would approach him in a
14 Starbucks or in a public place. They would offer him wads of
15 cash, \$5,000, \$2,000.

16 So, rather than being a dangerous terrorist, this was
17 someone who the FBI thought might help. I don't know what was
18 in the FBI's head, obviously, so I'm not going to say what was
19 in their head, but I am going to tell you that the facts will
20 show that they offered him money to help them. That's what
21 happened. My client said to them, I'm not in Hezbollah, and he
22 turned down thousands of dollars in cash from them.

23 They told him, the money can be used, it can help you
24 in business, it can help your family, all these kind of things,
25 we just want information about Hezbollah. He said I can't help

J57KKOU1

Opening - Mr. Schacht

1 you.

2 Eventually, what happened is, he had a problem with
3 his wife, they were splitting up, he was worried he wouldn't
4 see his children again, and he was fearful for their safety.
5 You'll hear that at one of the interviews, he talked about how
6 he's against Hezbollah, he thought they were eventually ruining
7 the country. And so he said to the agents, the FBI agents, I
8 may talk to you. What happened is, he went, he got a lawyer,
9 the lawyer contacted the FBI. He wasn't interested, at that
10 point, in the cash. All he was worried about was his family's
11 safety, his kids, and his dad, his sister, and there were
12 things happening in Lebanon, dangerous things happening, he was
13 worried about all of their safety.

14 So he approached the FBI. The FBI made him a series
15 of promises. What promises did they make? The FBI promised
16 him, most importantly to him, they promised him
17 confidentiality. Specifically, they promised him that no one
18 in the Lebanese community would find out what he was going to
19 talk about, because he was, obviously, worried if Hezbollah
20 were to learn that he would say something, that would be
21 terrible for him, of course, or his family. So they promised
22 him confidentiality.

23 They also promised that they would help to bring his
24 family here. The evidence is going to show that the FBI gave
25 him an actual timeline of when they thought they would be able

J57KKOU1

Opening - Mr. Schacht

1 to bring his family. And so, in this setting, under pressure,
2 fearful for his kids, he started telling them some things.
3 Some of the things he told them were true, many of the things
4 he told them were not true, but it was only after these five
5 meetings where he was sitting with a lawyer, not in custody,
6 promised confidentiality, at the end of those five meetings,
7 the FBI basically said to him, you haven't given us anything
8 helpful, you haven't told us anything that can help us.

9 And so, then, some of the same FBI agents, who
10 previously had been offering him cash and essentially
11 government friendship, they turned around, and they arrested
12 him based solely upon some statements that the FBI is going to
13 say he made at that meeting or at those five meetings.

14 Now, of course, I mentioned to you before, there's not
15 going to be any tape recordings. Unfortunately, none of those
16 five meetings were recorded. So this is another absence of
17 evidence. And so all you're going to hear about in this case
18 is the defendant, suspected by the government of being involved
19 in Hezbollah in some way, begged to be an informant, him
20 refusing, and him then eventually going and telling the FBI
21 some things, some of which were true, some were false, as I
22 said before. And that's all the evidence. There's not going
23 to be anything to corroborate or confirm what he supposedly
24 said at those meetings.

25 The supposedly secret little cartridge of things that

J57KKOU1

Opening - Mr. Schacht

she said was taped or something under his passport, you're not going to have that either because the government didn't seize that. So we have no idea what was on there, if that was just a kind of memory card that people who travel overseas change memory cards. Who knows what was in there. I don't know, you're not going to know, because it's not going to be in evidence.

He has some emails and some Google searches. The evidence is going to show that a highly trained, supposedly highly trained, terrorist doesn't do Google searches from their home computer to do terrorism. That's simply not credible.

It's also going to show that a highly trained, supposedly, undercover secret terrorist operative doesn't sell fake UGG boots as their job. That's who my client is. He's a person who grew up, he came here, he knows people in Hezbollah, as does everyone in his town, he got an education, he sold fake UGG boots, he didn't do anything to try and harm the United States. And at the end of the case, I'm going to ask you to find him not guilty.

Thank you.

THE COURT: Thank you, Mr. Schacht.

Call your first witness.

MR. BOVE: Thank you, your Honor.

The government calls Special Agent Daniel Ganci.

THE COURT: When the oath is administered, I'd like

J57KKOU1

Ganci - Direct

1 all of you to pay attention to the oath and not do anything
2 else.

3 Okay, Mr. Bove.

4 MR. BOVE: Thank you, your Honor.

5 This is Special Agent --

6 THE COURT: Did you hear what I said?

7 MR. BOVE: Yes, your Honor.

8 THE COURT: Have a seat.

9 DANIEL GANCI,

10 called as a witness by the Government,

11 having been duly sworn, testified as follows:

12 THE WITNESS: Daniel M. Ganci, G-a-n-c-i.

13 MR. BOVE: May I proceed, your Honor?

14 THE COURT: Yes.

15 DIRECT EXAMINATION

16 BY MR. BOVE:

17 Q. Special Agent Ganci, where do you work?

18 A. I work with the FBI New York.

19 Q. How long have you worked at the FBI?

20 A. I have been a special agent for 11 years.

21 Q. What did you do before you became a special agent at the
22 FBI?

23 A. I was an army officer for seven years.

24 Q. In your current work, are you assigned to a particular part
25 of the FBI?

J57KKOU1

Ganci - Direct

1 A. Yes. I am part of the Counterterrorism Division.

2 Q. Within the Counterterrorism Division, is there a component
3 that you are assigned to here in New York?

4 A. Yes. I'm on squad CT9.

5 Q. Are you also a member of the Joint Terrorism Task Force?

6 A. Yes, I am. The squad is part of the Joint Terrorism Task
7 Force, yes.

8 Q. What is the Joint Terrorism Task Force?

9 A. Well, the Joint Terrorism Task Force is a partnership
10 between federal, state, and local law enforcement agencies
11 where we combine resources and authorities to investigate
12 terrorism matters in the New York area.

13 Q. You said that within that task force, you're assigned to
14 squad CT9?

15 A. Yes.

16 Q. What is squad CT9?

17 A. CT9 is one of the squads that's part of the task force.

18 Our responsibility is to investigate Hezbollah, Islamic Jihad,
19 as well as Iranian counterterrorism groups.

20 Q. Do you know a man named Ali Kourani?

21 A. I do.

22 Q. Do you see him in court today?

23 A. I do.

24 Q. Could you please point him out, where he's sitting, and an
25 article of clothing that he's wearing?

J57KKOU1

Ganci - Direct

1 A. Yes. He is at the defendant's table wearing a white shirt
2 with black glasses.

3 THE COURT: The record will reflect the identification
4 of the defendant.

5 MR. BOVE: Thank you, your Honor.

6 BY MR. BOVE:

7 Q. Special Agent Ganci, have you spoken to the defendant
8 before?

9 A. Yes, I have.

10 Q. How many times?

11 A. Two times.

12 Q. Let's talk about the first time. When was that?

13 A. It was September 12, 2016.

14 Q. Where did you speak to the defendant on September 12, 2016?

15 A. It was at the customs and border section of Newark Liberty
16 International Airport.

17 Q. Was anyone else from the FBI with you that day?

18 A. Yes. Special Agent Shannon was with me that day.

19 Q. Why were you and Special Agent Shannon at the Newark
20 airport on September 12, 2016?

21 A. We were there to interview the defendant as part of a
22 routine investigation we were conducting.

23 Q. How did the interview begin?

24 A. We asked the defendant if he was willing to speak to us and
25 that if he was willing to talk to us about his time in Lebanon.

J57KKOU1

Ganci - Direct

1 Q. Did you identify yourselves?

2 A. Yes, we did.

3 Q. Was the defendant required to answer questions on
4 September 12, 2016?

5 A. No, he was not.

6 Q. Was he told that?

7 A. Yes, he was.

8 Q. Did the defendant choose to speak to you on that day?

9 A. Yes, he did.

10 Q. During the interview, what, if anything, did the defendant
11 say about what he planned to do in the New York City area?

12 A. The defendant said that he was returning from Lebanon, and
13 that he was going to be staying with his brother, Moustapha
14 Kourani, up in the Bronx, and that he currently did not have a
15 job, that he would be looking for work.

16 Q. Did the defendant say why he would be looking for work?

17 A. Yes. The defendant said that before leaving for Lebanon,
18 he was living in Chicago, but that he had been fired from his
19 previous job.

20 Q. You mentioned that the defendant said he had been in
21 Lebanon prior to coming to the Newark airport?

22 A. Yes, he did.

23 Q. What, if anything, did the defendant say about how long he
24 had been in Lebanon?

25 A. The defendant said that he had planned originally to spend

J57KKOU1

Ganci - Direct

1 two weeks in Lebanon, but due to some family matters, he ended
2 up spending two months in Lebanon.

3 Q. Did the defendant say anything during the interview on
4 September 12, 2016, about his family matters?

5 A. Yes. The defendant described a problem that he was having
6 with his mother-in-law. He said that his mother-in-law was
7 interfering with his marriage, and he said that despite what we
8 had heard, that he had not beaten his wife or his
9 mother-in-law.

10 The defendant then went on to describe a specific
11 incident while he was in Lebanon where he went to his
12 mother-in-law's houses to pick up his wife and children. The
13 mother-in-law came out of the house, yelling at him. The
14 defendant said that the wife -- excuse me, the mother-in-law
15 was unstable. The mother-in-law threw his two children into
16 the back of his car, and the defendant attempted to leave, but
17 the mother-in-law continued to yell at the defendant and pull
18 at the car door. Eventually, the car door opened, the
19 mother-in-law fell down, and then the defendant left the area.

20 Q. Those are all things that the defendant said to you and
21 Special Agent Shannon on September 12, 2016?

22 A. Yes.

23 Q. After he described those facts, did the defendant say what
24 happened when he left his mother-in-law's area?

25 A. Yes. The defendant then said, later on that day, brothers

J57KKOU1

Ganci - Direct

1 and cousins of the mother-in-law went to the defendant's house,
2 surrounded his house, and fired shots at his house.

3 Q. When the defendant described that incident, what, if
4 anything, did he say about affiliation to Hezbollah?

5 A. He said that all those members of his mother-in-law's
6 family were members of Hezbollah.

7 Q. What, if anything, did the defendant say during the
8 interview about his marital status?

9 A. He said that his wife and children were currently in
10 Canada, and that he was considering a divorce. A lot of it had
11 to do with the recent incident. The defendant said that he was
12 very angry at his wife for allowing her family to surround the
13 house and fire shots at the house, especially with their
14 children inside the house, but that he still loved his wife,
15 and he was trying to come to a decision.

16 Q. Did the defendant tell you on September 12, 2016, where his
17 wife and children were?

18 A. Yes. He said that they were in Canada.

19 Q. Was the defendant asked any questions about Hezbollah
20 during the interview?

21 A. Yes. The defendant was asked to provide the name of his
22 contact or handler at Hezbollah.

23 Q. How, if at all, did the defendant respond when he was first
24 asked that question?

25 A. The defendant said that he did not know anybody in

J57KKOU1

Ganci - Direct

1 Hezbollah.

2 Q. Did anyone in the interview respond to that claim?

3 A. Yes. Special Agent Shannon challenged him saying that he
4 had just said that numerous family members were in Hezbollah.

5 Q. What happened after Special Agent Shannon made that
6 comment?

7 A. The defendant acknowledged that he knew some people in
8 Hezbollah.

9 Q. What happened next?

10 A. The defendant said that he had talked and cooperated with
11 agents in the past, at which time we told him that it would
12 only be considered cooperation if he provided meaningful and
13 truthful information; if he didn't do that, then he would
14 continue to be under investigation.

15 Q. How did the defendant respond to the comment about the
16 ongoing investigation?

17 A. The defendant said, good, and that he felt safer knowing
18 that we would be watching him.

19 Q. What was his demeanor like when he said that?

20 A. It was a sarcastic remark.

21 Q. Was the defendant asked any other questions at that point
22 in the interview?

23 A. He was asked to provide the name of his handler again.

24 Q. What happened after the defendant was asked that question a
25 second time?

J57KKOU1

Ganci - Direct

1 A. The defendant said he does not have a contact in Hezbollah,
2 and the interview ended.

3 THE COURT: And what?

4 THE WITNESS: The interview ended, sir.

5 BY MR. BOVE:

6 Q. Now I'd like to jump ahead a bit to June 1st of 2017. Were
7 you working that day?

8 A. Yes, I was.

9 Q. What was your assignment?

10 A. I was the arrest team leader for the team responsible for
11 arresting the defendant that day.

12 Q. And as the arrest team leader, where did you plan to make
13 the arrest?

14 A. We were going to arrest the defendant a couple of blocks
15 away from his residence.

16 Q. I'm going to show you documents marked for identification
17 as Government Exhibits 10-A, 10-B, and 10-C.

18 Could you please take a look at these.

19 What are the exhibits that I just handed you?

20 A. Exhibit 10-A is a map overview of the defendant's
21 residence.

22 THE COURT: Mr. Schacht, tell me when you're ready.

23 MR. SCHACHT: I'm ready, Judge. Thanks.

24 THE COURT: Don't rush. Are you ready?

25 MR. SCHACHT: I'm ready.

J57KKOU1

Ganci - Direct

1 THE COURT: Okay. Proceed.

2 THE WITNESS: 10-A is a map overview of the
3 defendant's residence, which is 183 West 238th Street.

4 Exhibit 10-B is a bit of a satellite overview of the
5 same residence.

6 And then 10-C is the main entrance to the residence
7 itself.

8 Q. Do these exhibits, Government Exhibits 10-A, B, and C,
9 fairly and accurately depict the area around 183 West 238th
10 Street?

11 A. They do.

12 MR. BOVE: Your Honor, I offer those exhibits.

13 MR. SCHACHT: No objection.

14 THE COURT: Received.

15 (Government's Exhibits 10-A, 10-B and 10-C received in
16 evidence)

17 MR. BOVE: Ms. Shields, could you please publish, for
18 the jury, Government Exhibit 10-A.

19 THE COURT: These are Google Maps, right?

20 MR. BOVE: Yes, your Honor.

21 BY MR. BOVE:

22 Q. Special Agent Ganci, what does Government Exhibit 10-A
23 show?

24 A. It shows the location, and the block dot is the subject's
25 residence, 183 West 238th Street, as well as some of the major

J57KKOU1

Ganci - Direct

1 highways around that area.

2 Q. This was the location of the planned arrest on June 1st,
3 2017?

4 A. That is where we began our surveillance, and we planned to
5 arrest a block or two away from that area, yes.

6 MR. BOVE: Ms. Shields, could you please bring up
7 Government Exhibit 10-B.

8 Q. Special Agent Ganci, what are we looking at now?

9 A. The satellite overview gives you a better view of West
10 238th Street, as well as the overpass over the Major Deegan,
11 and then on the top left corner, you can see the elevated train
12 over the top of Broadway.

13 MR. BOVE: Ms. Shields, if you could please move this
14 exhibit to the left, and on the right side of the screen, bring
15 up Government Exhibit 10-C.

16 Q. Special Agent Ganci, what is Government Exhibit 10-C?

17 A. 10-C is the main entrance into the defendant's residence.
18 It's 183 -- building 183.

19 Q. Getting back to June 1st, 2017, what was the plan for the
20 arrest?

21 A. We had approximately ten people spread over four different
22 cars. The idea was to identify the defendant as he exited the
23 residence, and then, as he walked a couple of blocks away, we
24 would arrest him in the street.

25 Q. Why did you plan to make the arrest outside the defendant's

J57KKOU1

Ganci - Direct

1 apartment?

2 A. For a number of safety concerns. We didn't want to conduct
3 an arrest in the apartment that morning. We didn't want the
4 defendant to become a barricaded subject. We also wanted to
5 keep the arrest discrete. There were a number of other events
6 that were being coordinated that day.

7 Q. Had the FBI obtained any warrants related to the activity
8 planned for June 1st, 2017?

9 A. Yes. We had an arrest warrant for the defendant and a
10 search warrant for his residence.

11 Q. You said there were approximately ten people on the arrest
12 team that morning?

13 A. Yes.

14 Q. What were the roles that those people were playing?

15 A. Myself, NYPD Sergeant Sommer, as well as Detective Bonah
16 were in the main car and were in the position about where that
17 blue car is in 10-C, and we were responsible for the main
18 identification, as well as the eventual arrest. The other
19 vehicles took up positions to assist in identifying the
20 subject, should he get past us, as well as to assist in the
21 arrest, should the subject resist us, as well as provide
22 general security, such as blocking traffic and whatnot, when we
23 eventually made our approach to the subject.

24 Q. What time did you establish surveillance at the location
25 shown in 10-C on June 1st, 2017?

J57KKOU1

Ganci - Direct

1 A. Approximately 6:00 a.m.

2 Q. What were you wearing that day?

3 A. We were wearing bulletproof vests that identified ourselves
4 as FBI agents, as well as the blue and yellow gray vests, again
5 identifying ourselves as law enforcements.

6 Q. I think you said "we." Were all the members of the arrest
7 team dressed in a similar fashion?

8 A. Yes, they were.

9 Q. Now, could you please use the exhibits on the screen to
10 illustrate for the jury where you were positioned at the start
11 of the surveillance?

12 A. Again, my vehicle was located on or about where the blue
13 vehicle is in front of the residence in 10-C. We were in a
14 caravan-type vehicle that had tinted windows. Other vehicles
15 were directly across the street, as well as at the intersection
16 to the right of 238th Street and to the left by the other
17 vehicles.

18 Q. When you say positioned across the street, you mean the
19 south side of West 238th Street?

20 A. Yes, on the south side of West 238th Street.

21 Q. Where was the next team positioned?

22 A. Then there was one team positioned to the east, or to the
23 right, of 10-C at that following intersection that you can see
24 in 10-B. And then there was another vehicle positioned to the
25 left, or to the west, at the overpass area of where West 238th

J57KKOU1

Ganci - Direct

1 Street crosses over the Major Deegan Expressway.

2 Q. Who did you say was in the vehicle with you that morning?

3 A. I was with NYPD Sergeant Sommer, as well as NYPD Detective
4 Bonah.

5 Q. Did you see the defendant on June 1st, 2017?

6 A. Yes, we did.

7 Q. What time, approximately, did you see the defendant?

8 A. He exited his building approximately 10:50.

9 Q. What happened next?

10 A. After making an initial identification, Sergeant Sommer
11 repositioned -- the defendant exited his residence, and then
12 turned to the right, his right, moving towards Broadway, or
13 west, along West 238th Street. Sergeant Sommer repositioned
14 our vehicle in front of his path, so that he could see him
15 again and confirm that this was, in fact, the defendant. We
16 did confirm that it was the defendant, and then we repositioned
17 one more time again, in the walking path or the anticipated
18 path of the defendant, in and around West 238th Street and
19 Broadway, which is the top left corner of Exhibit 10-B.

20 Q. What happened at that location?

21 A. At that location, we waited for the defendant to continue
22 walking towards us. As he got to that intersection, he crossed
23 from the north side of West 238th Street to the south side. As
24 he was crossing through the intersection, myself and Detective
25 Bonah exited our vehicle and approached him in the

J57KKOU1

Ganci - Direct

1 intersection. Detective Bonah called out his name, the
2 defendant identified himself. Detective Bonah told him that
3 you are under arrest, and we put him in handcuffs. We
4 conducted a quick search of him. And then we brought him back
5 to our vehicle.

6 Q. What happened inside the vehicle?

7 A. Inside the vehicle, I informed the defendant that he was
8 under arrest, that he had the right to remain silent, that we
9 were going to bring him to the local precinct, where we would
10 be able to readjust his handcuffs, conduct a more thorough
11 search, and that he would eventually be transported to 26
12 Federal Plaza, which is the FBI New York headquarters, for
13 additional processing.

14 Q. What was the local precinct?

15 A. The local precinct was the 50th Precinct on Kingsbridge
16 Avenue.

17 Q. Did you bring the defendant to the 50th Precinct that
18 morning?

19 A. We did.

20 MR. BOVE: Ms. Shields, could you please publish
21 Government Exhibit 10-A on the left side of the screen.

22 Q. Could you please use this map to give an approximate
23 location of the 50th Precinct?

24 A. Based on the map, it is just left of center, a little bit
25 higher over -- the intersection over the bridge portion, the

J57KKOU1

Ganci - Direct

1 RID portion as you go up. That's about the intersection of
2 where the 50th Precinct is located.

3 Q. What happened when you got to the 50th Precinct on the
4 morning of June 1st, 2017?

5 A. We got the defendant out of the vehicle, we repositioned
6 his handcuffs, so he was more comfortable, but still
7 restrained, we conducted a thorough search, documenting the
8 items that we took off of him.

9 While I was conducting the search, Sergeant Sommer was
10 asking the defendant to confirm his name, his residence, any
11 roommates that he had, as well as what other -- how long --
12 whether those roommates would be in the residence and how long
13 they would be away from the residence.

14 Q. Did the defendant respond to those questions about his
15 residence and the occupants of the residence?

16 A. He did.

17 Q. What did he say?

18 A. He said that he had a roommate, and that they would be gone
19 for most of the day.

20 Q. You said that you seized some items from the defendant at
21 that point?

22 A. Yes.

23 Q. I'm handing you items marked for identification as
24 Government Exhibits 201 through 204. If you could please take
25 a look at those.

J57KKOU1

Ganci - Direct

1 What are those exhibits?

2 A. These are some of the items that were on the defendant at
3 the time of his arrest.

4 Q. And they were seized from him that morning?

5 A. Yes.

6 Q. Are the exhibits that you have, 201 through 204, in
7 substantially the same condition as they were when they were
8 seized at the 50th Precinct on June 1st, 2017?

9 A. Yes.

10 MR. BOVE: Your Honor, the government offers 201
11 through 204.

12 MR. SCHACHT: No objection.

13 THE COURT: Received.

14 (Government's Exhibits 201 through 204 received in
15 evidence)

16 BY MR. BOVE:

17 Q. Let's start with 204, please.

18 What is that exhibit?

19 A. Exhibit 204 is a cell phone.

20 Q. If you could hold that up for the jury, please.

21 What is Government Exhibit 203?

22 A. Exhibit 203 is the defendant's Social Security card.

23 MR. BOVE: Ms. Shields, could you please publish
24 Government Exhibit 203.

25 Q. Special Agent Ganci, what is Government Exhibit 201?

J57KKOU1

Ganci - Direct

1 A. 201 is the defendant's U.S. passport.

2 MR. BOVE: Ms. Shields, could you please publish page
3 of Government Exhibit 201. If you could zoom in on the
4 bottom page, please.

5 BY MR. BOVE:

6 Q. Special Agent Ganci, when was the defendant's passport
7 issued?

8 A. April 22nd, 2009.

9 MR. BOVE: Ms. Shields, if you could turn to page 4 of
10 the exhibit, please. And zoom in on the left.

11 Q. Special Agent Ganci, who did the defendant list as his
12 emergency contact in the passport?

13 A. Laila Abadi.

14 Q. Did that name come up during the interview you described
15 earlier on September 12th of 2016?

16 A. Yes. The defendant said that Laila Abadi was his wife.

17 MR. BOVE: Ms. Shields, could we take a look at
18 Government Exhibit 202.

19 Q. Special Agent Ganci, what is Government Exhibit 202?

20 A. It is a United States of America passport card for the
21 defendant.

22 Q. When was this document issued?

23 A. This was issued on April 30, 2013.

24 MR. BOVE: Ms. Shields, you can take that down.

25 Q. Now, getting back to the 50th Precinct on June 1st, 2017,

J57KKOU1

Ganci - Direct

1 did the defendant confirm his apartment number?

2 A. Yes. 51-W.

3 Q. In addition to the items we just reviewed, were any keys
4 seized from the defendant that day?

5 A. Yes. I took the keys from the defendant and told him that
6 I was going to keep them with me, but that they would be
7 returned to him for a later date.

8 Q. Why did you take the defendant's keys?

9 A. We had a search warrant for his residence, and we were
10 going to use the keys for entry.

11 Q. What happened after you took the defendant's keys?

12 A. The defendant was put back into our car, and Sergeant
13 Sommer, Detective Bonah, and Special Agent Alex Adrian then
14 transported him down to 26 Federal Plaza for additional
15 processing.

16 Q. What's at 26 Federal Plaza?

17 A. It's our FBI New York headquarters.

18 Q. What did you do on June 1st, 2017, after the defendant was
19 taken from the 50th Precinct?

20 A. After the Defendant was being transported, we reconvened
21 the arrest team and kind of repositioned in preparation for a
22 search later that day. We then took up positions outside of
23 183 West 238th Street and waited until we were told to conduct
24 our search.

25 Q. What was the area you searched?

J57KKOU1

Ganci - Direct

1 A. It was going to be the defendant's residence, Apartment
2 51-W.

3 Q. You said that the FBI obtained a warrant for that search as
4 well?

5 A. Yes.

6 Q. After you positioned on the street outside the apartment
7 building, did you commence the search immediately?

8 A. No. The search did not begin until approximately 2:50 p.m.
9 that day.

10 Q. Why did you wait?

11 A. There were numerous other events that our squad was
12 coordinating that day, and we were waiting for those events to
13 kind of play themselves out.

14 Q. Approximately how many people were on the search team?

15 A. Approximately 15 people on the search team.

16 Q. What types of roles did people play on the search team?

17 A. There was a group of people who conducted an initial safety
18 sweep, as well as people responsible for photographing the
19 condition of the apartment as we found it, as well as where we
20 find specific items. There were people there responsible to
21 conduct a sketch of the residence, again, to identify rooms and
22 locations where key items were found. And then there were
23 electronic specialists there to deal with any and all
24 electronics that would be found.

25 Q. You mentioned a safety sweep. How did you enter the

J57KKOU1

Ganci - Direct

1 apartment on June 1st, 2017?

2 A. Well, when we were eventually given the permission to
3 conduct our search, we entered the residence and worked our way
4 up to Apartment 51-W, where a group of five or six of us took
5 positions outside the door. We knocked on the door, announced
6 we're the FBI, and that we had a search warrant. When we did
7 not hear any sounds inside the apartment, we used the keys to
8 gain entry to the apartment, and we conducted a quick look,
9 going room to room, looking for anybody who was either hiding
10 there or anything that could be dangerous to the eventual
11 search team.

12 Q. Did you find anything like that during the safety sweep?

13 A. No, we did not.

14 Q. What happened next?

15 A. Once we were satisfied that the area was safe and secure,
16 the team pulled out of the apartment, and then we began the
17 formalized evidence recovery and search process.

18 Q. Through your participation in the search that day, did you
19 become familiar with the general layout of Apartment 51-W?

20 A. Yes.

21 Q. I'm showing you a document marked for identification as
22 Government Exhibit 901. What is this?

23 A. This is a not-to-scale sketch of the apartment 51.

24 Q. Other than the fact that the sketch is not to scale, does
25 it fairly and accurately depict the layout of the apartment

J57KKOU1

Ganci - Direct

1 that you helped search that day?

2 A. Yes, it does.

3 Q. Will that sketch assist you in describing the search to the
4 jury?

5 A. It will.

6 MR. BOVE: Your Honor, the government offers 901.

7 MR. SCHACHT: No objection.

8 THE COURT: Received.

9 (Government's Exhibit 901 received in evidence)

10 MR. BOVE: Ms. Shields, could you please bring up 901.

11 BY MR. BOVE:

12 Q. Special Agent Ganci, starting from the bottom of the
13 screen, could you please use Government Exhibit 901 to describe
14 the layout of the apartment?

15 A. Yes. So room A at the front door moves into room A, sort
16 of an entry foyer area. As you move deeper into the apartment,
17 you turn right, you have room B, which is a kitchen. Then you
18 pass a closet, which is room A1. You then enter into a common
19 area, where there was television, couch, tables, some other
20 items, what we called room C. When you proceed deeper into the
21 apartment, you have a closet on your left-hand side and a small
22 hallway, which was marked D, you have a standard bathroom, E,
23 then you move into what was identified as a bedroom, in room F,
24 and a closet room, F1.

25 MR. BOVE: Ms. Shields, if you could take that down

J57KKOU1

Ganci - Direct

1 for one minute.

2 Your Honor, may I have a moment?

3 THE COURT: Yes.

4 Why don't we take a ten-minute break. Is that okay,
5 members of the jury? Close up your books, put them on your
6 chairs. Don't discuss the case, please. We'll be back in ten
7 minutes, at 20 after.

8 (Jury not present)

9 THE COURT: See you in ten minutes.

10 (Recess)

11 MR. BOVE: Judge, should we get the witness?

12 THE COURT: Yes, get the witness.

13 MR. BOVE: Thank you.

14 (Jury present)

15 THE COURT: Thank you, members of the jury. You can
16 all be seated.

17 Mr. Ganci, you remain under oath.

18 Mr. Bove, continue your examination.

19 MR. BOVE: Thank you, Judge.

20 BY MR. BOVE:

21 Q. Special Agent Ganci, before the break, we were talking
22 about a diagram of the apartment that you searched on June 1st
23 of 2017. Do you recall that?

24 A. Yes.

25 Q. When you described the document, were you using a document

J57KKOU1

Ganci - Direct

1 in front of you?

2 A. Yes.

3 MR. BOVE: Ms. Shields, can we please publish that
4 diagram again?

5 Your Honor, for the record, this is a version of
6 Government Exhibit 901 that is the one that Special Agent Ganci
7 has in front of him. We had an older version on the screen
8 before the break that I think might have led to some confusion.

9 THE COURT: Which is 901? What's the true 901?

10 MR. BOVE: The exhibit in evidence is now on the
11 screen, and I apologize for the error.

12 THE COURT: All right.

13 So you shortened it in terms of the entrance gallery
14 at the bottom, B is a bedroom, the hallway continues up. It's
15 sort of a railroad flat they have in the Bronx apartments. C
16 is a living room with a common area, closets and bathrooms, and
17 it's separate. F, which I presume is the bedroom. Is that
18 right?

19 THE WITNESS: That is correct.

20 MR. BOVE: You're doing his work for him.

21 BY MR. BOVE:

22 Q. The only follow-up question I would ask is: What is room B
23 on the document?

24 A. Room B is a kitchen.

25 THE COURT: Is a what?

J57KKOU1

Ganci - Direct

1 THE WITNESS: It's a kitchen, your Honor.

2 THE COURT: A what?

3 THE WITNESS: A kitchen.

4 THE COURT: Are there any bedrooms?

5 THE WITNESS: Yes. Room F is the bedroom.

6 THE COURT: F is the bedroom. B stands for kitchen?

7 THE WITNESS: The letters and numbers are sequentially
8 as we were going through them, your Honor. It's as we hit
9 them, we threw up letters on them.

10 THE COURT: Yes, okay.

11 BY MR. BOVE:

12 Q. Special Agent Ganci, you said that part of the search team
13 that day included a photographer?

14 A. Yes.

15 Q. I'm handing you documents marked for identification as
16 Government Exhibits 150 through 174. Could you please take a
17 look at these.

18 A. These are photographs of the search that day.

19 Q. Do those pictures, Government Exhibits 150 through 174,
20 fairly and accurately depict the apartment the way it looked on
21 the day of the search?

22 A. They did.

23 MR. BOVE: Your Honor, the government offers Exhibits
24 150 through 174.

25 MR. SCHACHT: No objection.

J57KKOU1

Ganci - Direct

1 THE COURT: Received.

2 (Government's Exhibits 150 through 174 received in
3 evidence)

4 MR. BOVE: Thank you, your Honor.

5 Ms. Shields, if we can move 901 to the left, please.
6 And on the right, if we could bring up Government Exhibit 150.

7 THE COURT: If you can move a little more quickly on
8 these.

9 MR. BOVE: Yes, your Honor.

10 Q. Special Agent Ganci, what is on the screen there?

11 A. This is the entrance doorway, a shot from the hallway
12 entering the apartment.

13 Q. Now let's take a look at 151 on the right.

14 What is 151?

15 A. 151 is the entranceway hallway foyer area. You can see how
16 we marked each room with a sticky tab on the top right corner
17 with the A.

18 Q. Does that correspond to the A on 901?

19 A. It does.

20 MR. BOVE: 152, please, Ms. Shields.

21 Q. What is 152?

22 A. It's a photograph taken in room A into room B, the kitchen.

23 MR. BOVE: Now, if we could have 154, please.

24 Q. Is this that closet, A1?

25 A. Yes, this is the closet, A1.

J57KKOU1

Ganci - Direct

1 Q. Were there any items seized from that closet on the day of
2 the search?

3 A. Yes.

4 Q. I'm handing you items marked for identification as
5 Government Exhibits 210 and 212 through 219. Would you take a
6 look at those, please.

7 What are those items?

8 A. Items taken from room A1.

9 Q. That's the closet on the screen?

10 A. Yes, it is.

11 Q. Are the items that you have, 210 and 212 through 219, in
12 substantially the same condition today as they were on the day
13 they were seized?

14 A. Yes, they are.

15 MR. BOVE: Your Honor, the government offers 210 and
16 212 through 219.

17 MR. SCHACHT: No objection.

18 THE COURT: Received.

19 (Government's Exhibits 210 and 212 through 219
20 received in evidence)

21 BY MR. BOVE:

22 Q. Special Agent Ganci, what is Exhibit 210?

23 A. Exhibit 210 is a laptop.

24 THE COURT: Are we going to have any objections to
25 this?

J57KKOU1

Ganci - Direct

1 MR. SCHACHT: No, your Honor.

2 THE COURT: Received.

3 Go right to the screen.

4 MR. BOVE: Thank you, your Honor.

5 Ms. Shields, could you please bring up Government
6 Exhibit 155?

7 BY MR. BOVE:

8 Q. Special Agent Ganci, what does this show?

9 A. It's the general location where the laptop was found in
10 room A1.

11 MR. BOVE: 156, please, Ms. Shields.

12 Q. What does Government Exhibit 156 show?

13 A. Inside of room A1, inside the bag on the left-hand corner,
14 these are items that were found inside the bag.

15 Q. So everything that's on the floor, on the wooden floor,
16 came out of the bag that's on the left of the screen?

17 A. Yes.

18 Q. What is Government Exhibit 212?

19 A. 212 is an identification card in Arabic.

20 MR. BOVE: Ms. Shields, could you please bring up 212.

21 Q. Special Agent Ganci, do you speak Arabic?

22 A. I do not.

23 MR. BOVE: Your Honor, at this time I have a
24 stipulation to offer between the parties.

25 THE COURT: A stipulation is an agreement between the

J57KKOU1

Ganci - Direct

1 parties that if a witness were called, he would testify in a
2 certain way, and you take it just like the person was here to
3 testify.

4 MR. BOVE: Thank you, your Honor.

5 Your Honor, may I publish the stipulation, so the
6 jurors can follow along as I read it?

7 THE COURT: It's what's produced by the stipulation
8 that's important.

9 MR. BOVE: That's true, your Honor.

10 THE COURT: So focus on that.

11 MR. BOVE: Government Exhibit 1014 is a stipulation
12 that states that: There are a series of government exhibits at
13 this trial that contain foreign language, mostly Arabic, like
14 the Exhibit 212 that Special Agent Ganci was just describing,
15 and the stipulation contains a chart that sets forth the
16 foreign language exhibit and then another column that sets
17 forth the corresponding translation of the exhibit.

18 THE COURT: Put it up.

19 MR. BOVE: Thank you, your Honor.

20 Ms. Shields, if you could bring up page 3 of
21 Government Exhibit 1014.

22 This is the appendix that basically sets out one
23 language of the exhibit and the foreign language translation.
24 So the one we're talking about right now, you'll see is row 2,
25 there's a foreign language identification card seized from the

J57KKOU1

Ganci - Direct

1 closet, it's Government Exhibit 212, and then there's a
2 document that translates that card marked 212-T.

3 Your Honor, pursuant to the parties' stipulation
4 that's Government Exhibit 1014, the parties agree that all of
5 the translations in this right column are fair and accurate
6 translations from the foreign language into the English.

7 THE COURT: It should be accepted as such by the jury.

8 MR. BOVE: Thank you, your Honor.

9 Ms. Shields, if we could now take a look at the
10 translation of the identification card, which is Government
11 Exhibit 212-T. If we could zoom in on the top. If you could
12 please highlight the defendant's name.

13 BY MR. BOVE:

14 Q. Special Agent Ganci, the title of this card is "Card of
15 Final Exemption from Military Service." Do you see that?

16 A. I do.

17 MR. BOVE: Ms. Shields, could you please highlight
18 that.

19 Q. And then in the bottom row, it says, "Reason for Exemption:
20 Residing Abroad 65." Do you see that?

21 A. I do.

22 MR. BOVE: Could you please highlight that,
23 Ms. Shields.

24 You can take that down. Thank you.

25 Q. Special Agent Ganci, what is Government Exhibit 213?

J57KKOU1

Ganci - Direct

1 A. 213 is a certificate of marriage card for the defendant.

2 MR. BOVE: Ms. Shields, if you could bring up 213,
3 please.

4 Q. Who is listed on the certificate of marriage card?

5 A. The defendant and Laila Abadi.

6 Q. What is the date listed of the marriage?

7 A. April 12, 2012.

8 Q. Do you see where it says "Place of Marriage: Fort
9 McMurray"?

10 A. Yes.

11 Q. Was is Fort McMurray?

12 A. Fort McMurray is in the northern portion of Canada.

13 MR. BOVE: Can we take a look at 215, please,
14 Ms. Shields.

15 Q. Special Agent Ganci, what is 215?

16 A. 215 is a letter from the City College of New York.

17 Q. What is the date of the letter?

18 A. It's February 3rd, 2009.

19 MR. BOVE: Ms. Shields, could you please highlight the
20 degree and major listed in the letter.

21 Q. Special Agent Ganci, what is 216?

22 A. 216 is a transcript for the defendant from the City College
23 of New York.

24 MR. BOVE: Ms. Shields, could you please publish
25 Government Exhibit 216. If you could start by zooming in on

J57KKOU1

Ganci - Direct

1 the right corner of the document.

2 Q. Who is listed as the student on this transcript, Government
3 Exhibit 2 --

4 A. The defendant.

5 Q. -- 216?

6 What is listed as the major?

7 A. He graduated with a biomedical engineering degree.

8 MR. BOVE: Ms. Shields, could you please zoom in on
9 the entries right at the first semester in the transcript.

10 Q. Special Agent Ganci, what is the date listed for the first
11 semester that the defendant attended school here?

12 A. Fall of 2003.

13 MR. BOVE: Ms. Shields, could you please zoom in on
14 the entries on the right side of the page related to graduation
15 information.

16 Q. What is listed as the graduation date?

17 A. The graduation date was February 1, 2009.

18 MR. BOVE: Ms. Shields, can we take a look at 214,
19 please.

20 Q. Special Agent Ganci, what is Government Exhibit 214?

21 A. 214 is a U.S. naturalization certificate for the defendant.

22 Q. What was the date that this certificate was issued?

23 A. April 15, 2009.

24 MR. BOVE: Ms. Shields, could you please highlight
25 that date.

J57KKOU1

Ganci - Direct

1 Q. Special Agent Ganci, what is Exhibit 217?

2 A. It is a transcript record for the defendant from the Keller
3 Graduate School of Management.

4 MR. BOVE: Ms. Shields, could you please publish that
5 one.

6 Q. What kind of degree is this document related to?

7 A. Business management, with a major in project management.

8 MR. BOVE: Ms. Shields, if you could zoom in on the
9 bottom in the middle left. If you could highlight the major,
10 and specialization, and project management.

11 Q. When was this degree issued, according to the transcript?

12 A. 1 September, 2013.

13 MR. BOVE: Ms. Shields, could you please highlight
14 that.

15 Q. Special Agent Ganci, what is Government Exhibit 218?

16 A. 218 is a United Wireless letter from Chicago.

17 MR. BOVE: Ms. Shields, could you please bring that
18 up. If you could zoom in on the body of the letter, please.

19 Q. Special Agent Ganci, did the defendant discuss with you on
20 September 1st, 2016, a job at a wireless store?

21 A. On September 12th, 2016, he identified that he previously
22 worked for multiple wireless stores in Chicago.

23 Q. Thank you for the date correction.

24 Now let's take a look at some of the other items from
25 that apartment closet that was marked A1.

J57KKOU1

Ganci - Direct

1 Special Agent Ganci, what is Government Exhibit 219?

2 A. 219 is a cache of valuable items that were found in the bag
3 in closet A1.

4 MR. BOVE: Ms. Shields, if you could bring up 901 on
5 the left, please, and 156 on the right.

6 Your Honor, if it's acceptable to the Court, I'd like
7 to hand the exhibit that Special Agent Ganci has, 219, to the
8 jurors, so they can inspect it.

9 THE COURT: What are they inspecting?

10 MR. BOVE: It's the funds from the envelope seized in
11 a bag on the screen.

12 THE COURT: So you're distributing funds? What are
13 you distributing?

14 THE WITNESS: Valuables, your Honor.

15 THE COURT: Walk down and display them in front of
16 them.

17 THE WITNESS: Certainly.

18 THE COURT: Hold it up. Hold it up. Make believe
19 you're a kindergarten teacher. Show and tell.

20 Nice work.

21 THE WITNESS: Thank you, your Honor.

22 MR. BOVE: Ms. Shields, if you could bring up 157 on
23 the right, please.

24 BY MR. BOVE:

25 Q. Special Agent Ganci, what is Government Exhibit 157?

J57KKOU1

Ganci - Direct

1 A. That is the condition of where we found this money inside
2 the bag found inside room A1.

3 Q. There are U.S. dollars in the envelopes, and there appears
4 to be some currency -- some bills, excuse me, above the
5 envelopes?

6 A. Yes. They were Lebanese cards.

7 Q. These envelopes came from that bag that was in the closet?

8 A. Yes.

9 MR. BOVE: Ms. Shields, could you please publish
10 Government Exhibit 158.

11 Q. What is 158, Special Agent Ganci?

12 A. 158 is a photograph taken in the vicinity of room A looking
13 into room C -- correction, I'm sorry. This is the foyer area
14 of room A. I apologize. We can see by the sticky tab on the
15 top left portion of the photo, this is marked room C. So the
16 photograph was taken at the entranceway of A and C looking into
17 the table area in the left-hand portion of the room on the
18 sketch.

19 MR. BOVE: Ms. Shields, could you please bring up 161.

20 Q. What does this photo show?

21 A. This is, again, a photo taken in a similar area in room C,
22 just moved a little bit further to the right, so now you can
23 see the table and the hallway leading down to the room F.

24 Q. Was anything seized from room C on June 1st, 2017?

25 A. Yes.

J57KKOU1

Ganci - Direct

1 Q. I am handing you items marked for identification as
2 Government Exhibits 210 and then 221 -- 220 through 223.

3 MR. BOVE: Excuse me, I placed 220 through 223 on the
4 witness stand.

5 Q. What is Government Exhibit 220?

6 A. 220? Those are desert combat boots and the receipt of
7 purchase.

8 Q. Are those boots and receipt in substantially the same
9 condition as when they were seized on June 1st of 2017?

10 A. They are.

11 MR. BOVE: Your Honor, the government offers 220.

12 MR. SCHACHT: Your Honor, I'd just like a brief voir
13 dire.

14 THE COURT: Yes.

15 VOIR DIRE EXAMINATION

16 BY MR. SCHACHT:

17 Q. Special Agent Ganci, those boots are size 10; is that
18 right?

19 A. Yes, they are.

20 THE COURT: Why don't you hold up a boot?

21 Q. And those are Nike, made by the company Nike; is that
22 right?

23 A. Yes, they are.

24 MR. SCHACHT: I have no objection.

25 THE COURT: Received.

J57KKOU1

Ganci - Direct

1 (Government's Exhibit 220 received in evidence)

2 MR. BOVE: Ms. Shields, could you please publish the
3 packing slip that is a part of 220. If you can zoom in on the
4 top row, including the ship-to date.

5 THE COURT: What are you publishing?

6 MR. BOVE: The packing slip, your Honor, that is part
7 of Exhibit 220.

8 BY MR. BOVE:

9 Q. According to this document, who was the recipient of
10 Government Exhibit 220?

11 A. The defendant.

12 Q. You can put the boots to the side, please.

13 And the other items up there on the witness stand are
14 221 through 223. Could you please look at those.

15 What are those exhibits?

16 A. These are items taken from room C.

17 Q. Are those items in substantially the same condition as they
18 were on the day they were seized, June 1st, 2017?

19 A. They are.

20 MR. BOVE: Your Honor, the government offers 221
21 through 223.

22 MR. SCHACHT: No objection.

23 THE COURT: Received.

24 (Government's Exhibits 221 through 223 received in
25 evidence)

J57KKOU1

Ganci - Direct

1 MR. BOVE: Ms. Shields, could you please bring up
2 Government Exhibit 164 on the right.

3 BY MR. BOVE:

4 Q. What does this exhibit show?

5 A. This is a photograph taken in room C looking into room F,
6 and you can see the closet, room D, on the left-hand side, as
7 well as the entranceway into the bathroom, room E, on the
8 right-hand side.

9 MR. BOVE: Ms. Shields, could you please bring up 169.

10 Q. What is Government Exhibit 169?

11 A. 169 is a photograph taken from the entranceway of room F
12 into the top right corner of the sketch, to include the bedroom
13 and the window.

14 MR. BOVE: And 168, please, Ms. Shields.

15 Q. What is Government Exhibit 168?

16 A. A photograph taken in a similar location, at the
17 entranceway to room F into the top left corner of the sketch,
18 to include a filing cabinet and the other window.

19 Q. Was anything seized from that filing cabinet?

20 A. Yes.

21 Q. I'm now handing you items marked for identification as
22 Government Exhibits 224 through 230. Could you please take a
23 look at those.

24 What are those exhibits?

25 A. These are items that were taken from the filing cabinet on

J57KKOU1

Ganci - Direct

1 the day of our search.

2 Q. Are they in substantially the same condition now as they
3 were on the day they were seized?

4 A. Yes.

5 MR. BOVE: Your Honor, the government offers 224
6 through 230.

7 MR. SCHACHT: No objection.

8 THE COURT: Received.

9 (Government's Exhibits 224 through 230 received in
10 evidence)

11 BY MR. BOVE:

12 Q. Special Agent Ganci, what is Government Exhibit 220-A?
13 Excuse me, 228?

14 THE COURT: What is it, 228?

15 MR. BOVE: Two-two-eight, your Honor.

16 THE WITNESS: It's a title certificate for New York
17 State for a GMC van.

18 MR. BOVE: Ms. Shields, if you could bring up
19 Government Exhibit 228, please.

20 BY MR. BOVE:

21 Q. Who is listed in the top left of that document?

22 A. The defendant.

23 Q. Directing your attention to the upper right corner of the
24 certificate, when was this issued?

25 A. It was issued January 28, 2011.

J57KKOU1

Ganci - Direct

1 MR. BOVE: Ms. Shields, if you could highlight that
2 date, please.

3 Q. Special Agent Ganci, what is 229?

4 A. It's a bill of sale.

5 MR. BOVE: Ms. Shields, could you bring that up,
6 please.

7 Q. Who is listed in the first line of the bill of sale?

8 A. The defendant.

9 MR. BOVE: Ms. Shields, if you could highlight that.

10 Q. Directing your attention, Special Agent Ganci, to the
11 bottom left of Government Exhibit 229, what is the date on this
12 document?

13 A. April 30th, 2011.

14 Q. What is Government Exhibit 230?

15 A. New York State DMV proof of the plates being destroyed or
16 disposed of those plates.

17 MR. BOVE: Ms. Shields, if you could bring that one
18 up.

19 Q. Directing your attention toward the middle of the document,
20 who is listed on this document?

21 A. The defendant.

22 MR. BOVE: Ms. Shields, if you could highlight that,
23 please.

24 Q. When, according to Government Exhibit 230, were the license
25 plates surrendered?

J57KKOU1

Ganci - Direct

1 A. The license plates were surrendered on August 3rd, 2012.

2 Q. Special Agent Ganci, what is Exhibit 224?

3 A. It is a photocopy of a passport page with visas on it.

4 MR. BOVE: Ms. Shields, if you could bring that one
5 up, please. If you could zoom on those passport pages.

6 Q. Do you see the stamp that's titled in the title "Embassy
7 of," and then it's obstructed "Republic," and it looks like
8 Cyprus and Beirut?

9 A. Yes.

10 MR. BOVE: Ms. Shields, if you could zoom in on that
11 one.

12 BY MR. BOVE:

13 Q. What does this look like?

14 A. It looks like a visa entry to enter the Republic of Cyprus
15 issued in Beirut.

16 Q. Lastly, if you could take a look at Government Exhibit 226,
17 please. What is that?

18 A. It's a New York State income tax return.

19 MR. BOVE: Ms. Shields, if you could bring that up,
20 please. If you could zoom in on the box titled "Taxpayer Name
21 and Address."

22 Q. Special Agent Ganci, who is listed as the taxpayer on
23 Exhibit 226?

24 A. Wanda Reyes.

25 Q. Who, on this document, is listed as the spouse of Wanda

J57KKOU1

Ganci - Direct

1 Reyes?

2 A. Mohammad Kourani.

3 Q. Who is Mohammad Kourani?

4 A. It is the defendant's father.

5 MR. BOVE: Ms. Shields, could you please bring up
6 Exhibit 170 on the right.

7 Q. What does this photo show?

8 A. This was a check that was found inside the filing cabinet.
9 An uncashed check.

10 MR. BOVE: Ms. Shields, if you could zoom in on the
11 check, please.

12 Q. Who is listed as the accountholder, Special Agent Ganci?

13 A. J.K. Toys Incorporated.

14 MR. BOVE: Now, Ms. Shields, if you could bring up
15 171.

16 Q. What does this picture show?

17 A. More uncashed checks found in the filing cabinet.

18 MR. BOVE: If you could zoom in on the top checks,
19 please, Ms. Shields.

20 Q. Who is listed as the accountholder in this exhibit?

21 A. J.K. Toys Incorporated.

22 MR. BOVE: Ms. Shields, if you could bring up 172 on
23 the right, please.

24 Q. What does this picture show?

25 A. Additional checks that were also found in that filing

J57KKOU1

Ganci - Direct

1 cabinet.

2 MR. BOVE: Ms. Shields, if you could zoom in on the
3 top check.

4 Q. Who is listed as the accountholder on this one?

5 A. Broadway Sportswear Incorporated.

6 MR. BOVE: Ms. Shields, if you could bring up 173.

7 Q. What does this exhibit show?

8 A. It's another check that was found in the same filing
9 cabinet.

10 MR. BOVE: If you could zoom in on the check, please,
11 Ms. Shields.

12 BY MR. BOVE:

13 Q. Who is the accountholder listed on this check?

14 A. New Spot Fashion Incorporated.

15 MR. BOVE: Finally, 174, please, Ms. Shields.

16 Q. What does this picture show?

17 A. Another check that was found inside the filing cabinet.

18 MR. BOVE: If you can zoom in on the check, please.
19 Thank you, Ms. Shields.

20 Q. Special Agent Ganci, who is listed as the accountholder on
21 this document?

22 A. AM&K Fashion Corporation.

23 MR. BOVE: Thank you, Ms. Shields. You can take that
24 down.

25 Q. Getting back to June 1st, 2017, when, approximately, was

J57KKOU1

Ganci - Cross

1 the search completed?

2 A. Approximately 6:20 p.m.

3 Q. Where was the evidence taken after it was seized?

4 A. It was brought to an FBI facility for a further
5 investigation and review.

6 MR. BOVE: May I have one moment, your Honor?

7 THE COURT: Yes.

8 (Pause)

9 MR. BOVE: Nothing further, Judge.

10 THE COURT: Thank you.

11 Cross-examination.

12 CROSS-EXAMINATION

13 BY MR. BOVE:

14 Q. Special Agent Ganci, going back to the meeting you had with
15 Ali Kourani on June 1st, 2017, that meeting was at Newark
16 airport?

17 A. No, sir. He was arrested on June 1st in 2017. I had an
18 interview with him on September 12th, 2016.

19 Q. Where was that meeting?

20 A. That was in Newark Liberty International Airport.

21 Q. Was it at that meeting that the topic of him being fired
22 from his job came up?

23 A. He brought it up, yes.

24 Q. Didn't he essentially blame the U.S. Government for himself
25 losing his job? Do you recall that?

J57KKOU1

Ganci - Cross

1 A. He told us that he did not steal the \$3,000 that his
2 employees claimed stole from him.

3 Q. Didn't he tell you that when he had been in Lebanon, the
4 U.S. Government had taken away his passport for some kind of
5 investigation? Do you recall him telling you that?

6 A. I do not recall him mentioning that during our interview.

7 Q. Who else lived in that apartment where you conducted the
8 search the day my client was arrested, if you know?

9 A. I do not remember the name, no.

10 Q. But there was a person who you previously called a
11 roommate?

12 A. Yes, there was a roommate.

13 Q. Do you know, from your investigation, whether or not any of
14 Ali Kourani's brothers previously lived at that apartment?

15 A. Yes. His younger brother, Moustapha, previously lived at
16 that apartment.

17 Q. You've interviewed Moustapha; is that correct?

18 A. Yes.

19 Q. And you've talked to Moustapha generally about his brother
20 Ali, right?

21 A. Yes.

22 Q. And you've talked to Moustapha, I assume, about himself,
23 about Moustapha, yes?

24 A. Our conversation with Moustapha was about Kourani -- excuse
25 me, the defendant and his involvement with Hezbollah.

J57KKOU1

Ganci - Cross

1 Q. When you say "his involvement with Hezbollah," you think
2 he's involved in Hezbollah, right?

3 A. We have evidence to believe he's involved with Hezbollah.

4 Q. What I mean is: Moustapha told you he's not involved in
5 Hezbollah?

6 MR. BOVE: Objection.

7 THE COURT: Overruled.

8 THE WITNESS: Moustapha said he was not involved.

9 BY MR. SCHACHT:

10 Q. Moustapha said he was not involved, right?

11 A. Moustapha did not think he was involved with Hezbollah.

12 Q. Right.

13 And on your direct examination by the prosecutor, you
14 didn't have any evidence or you didn't offer any evidence that
15 my client is involved in Hezbollah, did you?

16 A. To Moustapha?

17 Q. No. In court here today.

18 None of the exhibits you showed show he's involved in
19 Hezbollah, do they?

20 A. No.

21 Q. The money that you found in my client's apartment, that
22 cash was in a TD Bank envelope; is that right?

23 A. It was.

24 MR. SCHACHT: Thank you. I have no other questions.

25 MR. BOVE: Brief redirect, your Honor?

J57KKOU1

Ganci - Redirect

1 THE COURT: Of course.

2 REDIRECT EXAMINATION

3 BY MR. BOVE:

4 Q. Special Agent Ganci, Mr. Schacht asked you some questions
5 about whether any of the evidence that you helped seize from
6 the apartment on June 1st, 2017, contained evidence that
7 indicated the defendant was a part of Hezbollah. Do you recall
8 that question?

9 A. Yes.

10 Q. You testified on your direct that you seized a laptop out
11 of the closet, A1, of the defendant's apartment, correct?

12 A. Yes.

13 Q. And you're aware, aren't you, that this laptop was
14 searched?

15 A. Yes.

16 Q. And as far as you know, was there information relating to
17 Hezbollah on this laptop?

18 A. Yes.

19 MR. SCHACHT: Objection.

20 THE COURT: Sustained.

21 Disregard the answer, please.

22 MR. BOVE: Nothing further, your Honor.

23 MR. SCHACHT: Nothing else. Thank you.

24 THE COURT: Thank you. You can step down.

25 (Witness excused)

J57KKOU1

Levitt - Direct

1 THE COURT: Next?

2 MS. HOULE: Your Honor, the government calls Matthew
3 Levitt.

4 THE COURT: Come up. Pay attention to the oath.

5 MATTHEW LEVITT,

6 called as a witness by the Government,

7 having been duly sworn, testified as follows:

8 THE COURT: Give your full name and spell it for the
9 reporter.

10 THE WITNESS: Dr. Matthew Levitt, M-a-t-t-h-e-w
11 L-e-v-i-t-t.

12 THE COURT: Try to speak more slowly.

13 THE WITNESS: Yes, sir.

14 THE COURT: You may proceed, Ms. Houle.

15 MS. HOULE: Thank you, your Honor.

16 DIRECT EXAMINATION

17 BY MS. HOULE:

18 Q. Dr. Levitt, where do you work?

19 A. I work at the Washington Institute for Near East Policy and
20 at Georgetown University.

21 Q. What is the Washington Institute for Near East Policy?

22 A. The Washington Institute is a nonpartisan think tank in
23 Washington, D.C., focused on U.S. policy towards the broader
24 Middle East. We look at North Africa to Iran and Turkey to
25 Yemen.

J57KKOU1

Levitt - Direct

1 Q. What is your position there?

2 A. I direct the institute's program on counterterrorism and
3 intelligence and am a senior fellow.

4 Q. How long have you worked there?

5 A. On and off, since 1998.

6 Q. Can you explain for the jury, generally, what you do there?

7 A. I look at terrorism in the Middle East and from the Middle
8 East as it pertains to U.S. interests and policy.

9 Q. You mentioned that you also work at Georgetown University?

10 A. That's right.

11 Q. Do you teach there?

12 A. I do.

13 Q. What do you teach?

14 A. I'm an adjunct professor at Georgetown, and I teach a class
15 now on combating the financing of transnational threats.

16 Q. Have you taught at any other institutions?

17 A. I have.

18 Q. Which ones?

19 A. Johns Hopkins University School of Advanced International
20 Studies, which is located also in Washington, D.C.

21 Q. Before you began your work at the Washington, D.C.

22 Washington Institute, did you hold any positions in government?

23 A. I did.

24 Q. What were those?

25 A. Well, immediately prior, I served as the deputy assistant

J57KKOU1

Levitt - Direct

1 secretary for intelligence and analysis at the U.S. Department
2 of the Treasury. And earlier in my career, I served as a
3 counterterrorism intelligence analyst at the Federal Bureau of
4 Investigation's headquarters in Washington, D.C.

5 Q. Have you held any other government positions through your
6 career?

7 A. I have. Temporary ones.

8 Q. What is your educational background?

9 A. I have a Bachelor's in political science from Yeshiva
10 University here in New York. I have a Master's of law and
11 diplomacy from The Fletcher School of Law and Diplomacy at
12 Tufts University, near Boston. And I have a Ph.D. in
13 international relations, also from The Fletcher School at
14 Tufts.

15 Q. What was the focus of your Ph.D. generally?

16 A. The Ph.D. was on the impact of terrorist attacks on ongoing
17 negotiation process, and I looked at incidents of Jewish
18 terrorism and Islamic terrorism targeting the Oslo peace
19 process, the Israeli Palestinian peace process.

20 Q. Are you being paid for your testimony, Dr. Levitt?

21 A. I hope so, yes.

22 Q. What is your rate?

23 A. \$550 an hour.

24 Q. Is that consistent with the rate charged by your
25 colleagues?

J57KKOU1

Levitt - Direct

1 A. It is.

2 Q. In your work at the Washington Institute, have you
3 researched an organization named Lebanese Hezbollah?

4 A. Yes.

5 Q. For purposes of your testimony today, I'd like to refer to
6 that organization as Hezbollah.

7 Have you testified before Congress regarding
8 Hezbollah?

9 A. Several times.

10 Q. Approximately how many times?

11 A. At least a half a dozen, maybe more, on Hezbollah and Iran,
12 Iran's sponsorship for Hezbollah.

13 Q. Have you testified in other court proceedings as an expert
14 regarding Hezbollah?

15 A. I have.

16 Q. Have you testified in any other court proceedings as an
17 expert on other terrorist organizations?

18 A. I have.

19 Q. Can you identify a few of those trials?

20 A. The Hammoud case in Charlotte, North Carolina, was a
21 Hezbollah case. The Boston Marathon bombing case in Boston,
22 Massachusetts, was an inspired jihadist case. The Holy Land
23 Foundation for Relief and Development was a Hamas case in
24 Dallas. I can go on.

25 Q. What was the name of the defendant in the Boston Marathon

J57KKOU1

Levitt - Direct

1 case?

2 A. Tsarnaev.

3 Q. Have you written any books regarding Hezbollah?

4 A. I have.

5 Q. What book is that?

6 A. The book is called "Hezbollah: The Global Footprint of
7 Lebanon's Party of God," and it was published by Georgetown
8 University Press.

9 Q. Have you also published articles regarding Hezbollah?

10 A. Many.

11 Q. Approximately how many?

12 A. I honestly don't know, but quite a few --

13 THE COURT: More than ten?

14 THE WITNESS: More than ten. Probably more than 20.

15 BY MS. HOULE:

16 Q. Were any of those articles published in a peer-reviewed
17 journal?

18 A. Yes.

19 Q. What's a peer-reviewed journal?

20 A. A peer-reviewed journal is a journal where the author
21 submits an article, and before it is published, it is subject
22 to peer review; that is to say, the review of other academics
23 in the field with expertise in that area. Those who review the
24 article remain anonymous to the author, and they can recommend
25 that the article not be published, that it be published, and

J57KKOU1

Levitt - Direct

1 most often that it could or should be published, but with some
2 edits, additions, et cetera.

3 Q. Can you describe for the jury what methods you have used to
4 learn about Hezbollah?

5 A. The same that I use to learn about all terrorist groups,
6 which is to say, I conduct extensive interviews here in the
7 United States and around the world, I travel extensively. I
8 collect documents and read everything I can, from the
9 newspapers, to academic journals, to court documents,
10 government reports, and then I vet that information against
11 other pieces of information that I find against other -- in
12 conversations with other experts in the field, and after an
13 extensive period of vetting information, publish, or lecture,
14 or continue to investigate.

15 Q. You mentioned that you sometimes conduct interviews?

16 A. I do.

17 Q. Have any of your interviews involved interviewing people
18 who are in custody?

19 A. Not many, but, yes.

20 Q. And in connection with Hezbollah, will you be relying on
21 any such in-custody interviews as part of your testimony today?

22 A. No. I've done no in-custody interviews related to
23 Hezbollah.

24 Q. For your testimony today, will you be relying on a
25 synthesis of the different types of sources and methods that

J57KKOU1

Levitt - Direct

1 you just described?

2 A. Yes.

3 THE COURT: What's an in-custody interview?

4 THE WITNESS: Pardon?

5 THE COURT: What's an in-custody interview?

6 THE WITNESS: That was the attorney's term of phrase.

7 I understood it to be did you interview anybody in jail. I've
8 done that for the purpose of the book I wrote on Hamas, which
9 was published by Yale University Press, but I have not done
10 that since.

11 THE COURT: You didn't do it for Hezbollah?

12 THE WITNESS: No, sir.

13 BY MS. HOULE:

14 Q. You mentioned, Dr. Levitt, that you have worked for the
15 government and the FBI. While you worked in those jobs, did
16 you have access to classified information?

17 A. I did.

18 Q. Will any of your testimony today be based on any classified
19 information that you've reviewed?

20 A. No. And, in fact, when I last left government, I
21 proactively terminated all of my clearances, though I didn't
22 have to.

23 MS. HOULE: Your Honor, the government moves to have
24 Dr. Levitt qualified as an expert.

25 MR. SCHACHT: No objection.

J57KKOU1

Levitt - Direct

1 THE COURT: Dr. Levitt is an expert, and he may be
2 questioned as such.

3 An expert witness is someone who comes before you
4 offering opinions about a certain matter that is not
5 necessarily common knowledge, but is collected under a
6 discipline that makes a person an authority on a particular
7 subject.

8 And, here, the authority is of the nature of
9 Hezbollah, right?

10 THE WITNESS: Yes.

11 THE COURT: Okay.

12 MS. HOULE: Thank you, your Honor.

13 BY MS. HOULE:

14 Q. Dr. Levitt, what is Hezbollah?

15 A. Hezbollah is a militant organization based out of Lebanon
16 that might best be thought of not as an organization, but as a
17 movement, because it engages in a broad array of activities.
18 It engages in expressly militant activities. It has a militia,
19 The Islamic Resistance, which is in Lebanon and is much larger,
20 better trained, better armed, than the Lebanese armed forces,
21 the Lebanese Government's army. It engages in social welfare
22 activities. It runs schools, and hospitals, and kindergartens
23 through which it builds grassroots for its movement, but it is
24 providing social services, often services that the government
25 itself doesn't or won't provide.

J57KKOU1

Levitt - Direct

1 It wasn't always, but it is now part of the Lebanese
2 Government. It engages in politics, and there are Hezbollah
3 members in the Lebanese parliament, and ministers in the
4 government, and on down through local government as well.

5 Hezbollah, also, as part of its militant activity, not
6 only maintains the standing militia, but also engages in
7 intelligence activities, in terrorist activities, and as a
8 U.S.-designated terrorist organization, and criminal activities
9 in support of those terrorists and military activities. So, in
10 short, it has both overt, meaning open, official activities,
11 and you can read about those in the papers, and you can get
12 Hezbollah officials to talk about those fairly openly, and it
13 has covert, or secret, or closed activities that it is much
14 more circumspect about, because if you're engaging in criminal,
15 or terrorist, or military activities, you don't want to
16 broadcast the details of those.

17 MS. HOULE: Your Honor, the parties have entered into
18 a stipulation regarding the status of Hezbollah. I'd like to
19 read from two paragraphs of the stipulation now and to refer to
20 it throughout Dr. Levitt's testimony.

21 THE COURT: You may.

22 MS. HOULE: This is at Government Exhibit 1001. The
23 parties agree as follows:

24 At paragraph 2: In 1995, pursuant to the
25 International Emergency Economic Powers Act, which is known as

J57KKOU1

Levitt - Direct

1 IEEPA, President Clinton issued Executive Order 12947, which
2 imposed sanctions on Hezbollah and others and remains in
3 effect.

4 In 1996, the U.S. Treasury Department's Office of
5 Foreign Assets Control, which is known as OFAC, issued
6 regulations pursuant to IEEPA and Executive Order 12947 that
7 imposed further sanctions on Hezbollah and remain in effect.

8 In 1997, the U.S. Secretary of State issued a notice
9 in the Federal Register designating Hezbollah, including, but
10 not limited to, the Islamic Jihad Organization, as a foreign
11 terrorist organization under Section 219 of the Immigration and
12 Nationality Act. Hezbollah has been continuously designated as
13 a foreign terrorist organization since 1997, and it remains so
14 designated.

15 Your Honor, if I may now read a separate stipulation
16 into evidence, which is marked as Government Exhibit 1002?

17 THE COURT: Yes.

18 MS. HOULE: The parties agree as follows:

19 The defendant did not at any point obtain any
20 authorization or licenses from the U.S. Treasury Department's
21 Office of Foreign Assets Control, which is known as OFAC, or
22 any authorization related to Executive Order 12947 or OFAC's
23 regulations to engage in transactions with Hezbollah or to
24 provide goods or services to Hezbollah.

25 It is agreed that this stipulation may be admitted

J57KKOU1

Levitt - Direct

1 into evidence at trial.

2 The government offers 1002, your Honor.

3 MR. SCHACHT: No objection.

4 THE COURT: Received.

5 (Government's Exhibit 1002 received in evidence)

6 BY MS. HOULE:

7 Q. Dr. Levitt, what, if any, relationship does Hezbollah have
8 with Iran?

9 A. An intimate one. Iran originally sent, in early 1980s,
10 some 1,500 officers from its Quds Force, or Jerusalem Force,
11 part of the Islamic Revolutionary Guard Corps of Iran, to
12 Lebanon.

13 THE COURT: You called it the Jerusalem Force?

14 THE WITNESS: Yes. The word Quds in Arabic means
15 Jerusalem. Most people won't recognize it if you refer to it
16 as Jerusalem Force. It's commonly referred to as the Quds
17 Force.

18 They were sent to Lebanon just over the
19 Lebanese-Syrian border to help build what became known as
20 Hezbollah, which literally means the Party of God. You had at
21 that point many different groups and militias of different
22 religious sects within Lebanon, which is a country which
23 includes many different religious sects, fighting each other,
24 fighting Israel, which had occupied the southern portion of the
25 country in 1982 in an effort to push out the Palestine

J57KKOU1

Levitt - Direct

1 Liberation Organization from Southern Lebanon, which was
2 carrying out attacks against Israel from there. And Iran
3 helped build these various Shia Islamic groups. Shia Islam is
4 one of the sects -- one of the two main sects within Islam into
5 Hezbollah.

6 Ever since, it has provided funds and weapons to
7 Hezbollah on a regular basis. Its religious indoctrination,
8 its training in intelligence and in operations is critical to
9 Hezbollah's ability to be a sophisticated, a military and
10 terrorist organization as it is today.

11 BY MS. HOULE:

12 Q. Dr. Levitt, I'm handing you a binder full of exhibits that
13 I'll reference throughout your testimony. If you could turn to
14 the tabs as I note them.

15 A. Yes.

16 Q. I'm hoping, Dr. Levitt, that you can orient us to where
17 some of the places that you just identified are.

18 If you could turn to Government Exhibit 1. What is
19 that?

20 A. This is a map of the Greater Middle East. It includes more
21 than the Middle East. It's zoomed out, but in the center, you
22 have the Middle East.

23 Q. Are you familiar with that area of the world, based on your
24 research?

25 A. I am.

J57KKOU1

Levitt - Direct

1 MS. HOULE: Your Honor, the government offers
2 Government Exhibit 1.

3 MR. SCHACHT: No objection.

4 THE COURT: Received.

5 (Government's Exhibit 1 received in evidence)

6 MS. HOULE: Ms. Shields, if you could publish that to
7 the jury, please. And, Ms. Shields, if you could zoom in on
8 the area surrounding Turkey. Thank you.

9 BY MS. HOULE:

10 Q. Dr. Levitt, could you explain for the jury where on this
11 map Lebanon is?

12 THE COURT: Well, the jury can see it.

13 THE WITNESS: Yes.

14 THE COURT: It's on the eastern shore of the
15 Mediterranean, and it says Lebanon. Do you all see it, jury?

16 JURY MEMBERS: Yes.

17 THE COURT: Okay.

18 MS. HOULE: Thank you, your Honor.

19 Ms. Shields, if could you zoom out?

20 BY MS. HOULE:

21 Q. And, Dr. Levitt, if you could indicate for the jury where
22 Iran is in relation to Lebanon?

23 A. So if you remember where Lebanon is, on the eastern shore
24 of the Mediterranean, and then you move to the right, continue
25 to move east, you come to Syria, and then Iraq, and then Iran,

J57KKOU1

Levitt - Direct

1 south of the Caspian Sea and alongside north of the Persian
2 Gulf.

3 THE COURT: So what's the distance, say, from Lebanon
4 to the border of Iran on Iraq?

5 THE WITNESS: I don't know the mileage, your Honor.
6 It is drivable, depending on conditions on the ground. It
7 is --

8 THE COURT: A day's journey?

9 THE WITNESS: A day's journey or so, yes. Maybe a
10 little more, because the roads don't go straight.

11 BY MS. HOULE:

12 Q. Dr. Levitt, when you were describing the origins of
13 Hezbollah's founding and the movement of those revolutionary
14 guard troops into Lebanon, you mentioned a conflict with
15 Israel. And I think you mentioned the Israeli Defense Force.
16 What is that?

17 A. The Israeli Defense Force is the military of Israel.

18 Q. What does it consist of?

19 A. The IDF consists of an army, and an air force, and a navy,
20 and similar components much like ours, and it is populated by
21 Israeli citizens. There is a mandatory draft system in Israel
22 for most, but not all, citizens, but with exception, majority
23 of Israelis, after high school, do a tour of duty in the IDF,
24 usually three years, sometimes more, sometimes less. Most
25 Israelis then go on with their lives and then just do reserve

J57KKOU1

Levitt - Direct

1 duty over the course of their lives, and some, like here in the
2 United States, choose to make a career of it.

3 Q. Turning back to this map at Government Exhibit 1, one more
4 time, can you note for the jury where Syria falls in relation
5 to Lebanon?

6 A. So you'll note that Lebanon is almost --

7 THE COURT: Why don't you focus on that to make it
8 larger.

9 THE WITNESS: There we go.

10 THE COURT: The jury can see.

11 BY MS. HOULE:

12 Q. Dr. Levitt, what role, if any, did Syria have in the
13 movement of those troops from Iran into Lebanon when Hezbollah
14 was founded?

15 A. A critical one. Not only is Syria kind of the land bridge
16 into Lebanon right next-door, but Syria, at this point, was the
17 dominant force in Lebanon itself. So not only controlling
18 Syria, not only controlling the Syrian-Lebanese border, but
19 controlling events largely in Lebanon as well.

20 This base of operations was called the Abdullah
21 barracks, A-b-d-u-l-l-a-h. It was in the Bekaa Valley, and
22 that's just over the border from Syria, where Syria was in
23 control. So if it were not for the fact that Syria enabled and
24 allowed the movement of these Iranian troops to Lebanon to
25 happen, it would not have happened in the first place, and they

J57KKOU1

Levitt - Direct

1 certainly would not have been allowed to stay, and thrive, and
2 function.

3 Q. Dr. Levitt --

4 THE COURT: You mentioned the Bekaa Valley?

5 THE WITNESS: Yes.

6 THE COURT: Is it B-E-K-A-A?

7 THE WITNESS: B-E-K-A-A. You'll also see it spelled
8 other ways, but it's transliteration.

9 THE COURT: Can you blow up the map and show it,
10 Ms. Houle.

11 MS. HOULE: Your Honor, if I may have one moment?

12 (Pause)

13 THE COURT: Why don't you, while Ms. Houle is looking,
14 describe the topography of Lebanon.

15 THE WITNESS: So Lebanon has, obviously, Mediterranean
16 coast, and it has mountains. And the Bekaa Valley, without
17 being able to zoom in, is along the border with Lebanon and
18 then heading southwest.

19 BY MS. HOULE:

20 Q. Dr. Levitt, I just placed before you what's been marked for
21 identification as Government Exhibit 6. What is that?

22 A. This is a map of Lebanon along the Syrian border.

23 THE COURT: I take judicial notice of that.

24 MS. HOULE: Thank you, your Honor. May I publish to
25 the jury?

J57KKOU1

Levitt - Direct

1 THE COURT: Yes.

2 MS. HOULE: Ms. Shields, if you could bring up
3 Government Exhibit 6, please?

4 THE COURT: Yes.

5 BY MS. HOULE:

6 Q. Dr. Levitt, if you could describe for the jury where the
7 Bekaa Valley is that you were just explaining?

8 A. So, in essence, you're looking at it. If you can see the
9 Town of Baalbek, which is sort of in the upper middle in white
10 to the right of some of the greenery on the right side of that
11 mountain range. There you go, right there. Thank you. So
12 Baalbek is a major town of historical importance, major Roman
13 ruins, and is Hezbollah's stronghold within the Bekaa Valley.

14 THE COURT: Is that large area of green slanting to
15 the right upwards the Bekaa Valley?

16 THE WITNESS: That's the mountain range.

17 THE COURT: That's the mountain range.

18 Where would the Bekaa Valley be?

19 THE WITNESS: It's right where Baalbek is, north and
20 south of it, including well south.

21 THE COURT: Just to the east of the mountain range?

22 THE WITNESS: Correct.

23 BY MS. HOULE:

24 Q. Dr. Levitt, does Hezbollah have a flag?

25 A. It does.

J57KKOU1

Levitt - Direct

1 Q. If you can turn to what's marked in your binder as
2 Government Exhibit 101. What is that?

3 A. One second. Yes, that's the Hezbollah flag.

4 MS. HOULE: Your Honor, the government offers
5 Government Exhibit 101.

6 MR. SCHACHT: No objection.

7 THE COURT: Received.

8 (Government's Exhibit 101 received in evidence)

9 MS. HOULE: If you could publish that, Ms. Shields.

10 BY MS. HOULE:

11 Q. Dr. Levitt, could you explain for the jury what the
12 different components are of the Hezbollah flag?

13 A. So in Arabic script, in Kufi scripts, you have a stylized,
14 in green, the name Hezbollah. Again, literally Party of God.
15 The first letter of the word a la of God extends upward into a
16 fist holding some type of automatic rifle. Above that is a
17 quotation from a piece of the -- quotation from the Quran,
18 which is the holy text in Islam, Islamic faith, which basically
19 reads, "Surely Hezbollah, the Party of God, will be
20 Victorious." In other words, it refers in the Quran to the
21 name of the group. At the bottom, it explains, this is The
22 Islamic Resistance movement in Lebanon. The Islamic Resistance
23 is the name of Hezbollah's militia, and you can see, again, a
24 globe, a book, some type of branch with leaves of some sort
25 behind it.

J57KKOU1

Levitt - Direct

1 MS. HOULE: Thank you, Ms. Shields. You can take that
2 down.

3 Q. Approximately when was Hezbollah founded?

4 A. Well, that's a good question because there's some debate.

5 Hezbollah officially announced its existence in 1985 and
6 published what it described as an open letter announcing its
7 existence, and its name, and describing some of its goals,
8 ambitions, et cetera. But, in fact, the group had existed for
9 a few years beforehand, before it kind of did us the service of
10 announcing itself publicly, and was responsible for several
11 major terrorist attacks in the years before.

12 We know that it was in existence because some of its
13 own leaders have published books talking about those early
14 years, and we also know because, for example, U.S. Government
15 documents have been declassified since, where you can see that
16 even in the period of 1982, '83, '84, the U.S. Government is
17 referring to a Lebanese group known as Hezbollah and its
18 Islamic Jihad Organization terrorist component. So this was in
19 existence and operating even before it publicly announced
20 itself in 1985.

21 Q. I'd like to spend a few minutes talking about that 1985
22 letter that Hezbollah issued.

23 Have you reviewed that letter?

24 A. I have.

25 Q. Does the 1985 letter include any references to the concept

J57KKOU1

Levitt - Direct

1 of jihad?

2 A. It does.

3 Q. Based on your review and research of Hezbollah materials,
4 what is your understanding of what the concept of jihad means
5 in that context?

6 A. Well, context is everything, because, of course, jihad has
7 two very general meanings, and they're quite different. One is
8 the battle of oneself, the battle of self-improvement, becoming
9 a better person, for some becoming a more observant person,
10 fulfilling the basic requirements of someone who adheres to the
11 Muslim faith.

12 The second is of a military, militant nature, and that
13 has to do with fighting off the enemies or perceived enemies of
14 Islam, and that militant jihad can include two components: It
15 can include a defensive component where one is protecting the
16 community of believers from those who are trying to do it harm,
17 and the other is an offensive jihad where one is taking the
18 fight to others, either to bring them religion, to convert
19 them, to reclaim lost lands that were once controlled by
20 Muslim, et cetera.

21 In the context of the 1985 open letter, we are clearly
22 talking about militant jihad, because of the context where it's
23 talking about things like pushing Israel out of Southern
24 Lebanon and doing so as a first step towards its total
25 annihilation.

J57KKOU1

Levitt - Direct

1 THE COURT: Total annihilation of?

2 THE WITNESS: Of the State of Israel. In other words,
3 it's not just about pushing Israel out of Lebanese territory,
4 it's about destroying the state next-door. That, obviously, is
5 something of a militant nature and not of a self-improvement
6 nature.

7 It also talks about its antipathy and hatred, for
8 example, for the United States, which had peacekeepers in
9 Lebanon in the early 1980s and which it describes as being kind
10 of guilty by virtue of supporting Israel. And once Hezbollah
11 would deal with the United States, the open letter states, it
12 would then go on to deal with the allies of the United States,
13 France and other countries of NATO.

14 BY MS. HOULE:

15 Q. Does the 1985 letter include any references to the concept
16 of mujahideen?

17 A. It does.

18 Q. Based on your research and your review of Hezbollah
19 materials, what is your understanding of what that term means
20 in this context?

21 A. Well, you can hear -- in the term mujahideen, you can hear
22 the word jihad. So it, too, has those two meanings.

23 Mujahideen in the singular or mujahideen in the plural is one
24 or persons who engage in jihad. So it could apply to people
25 who are engaging in self-improvement, but it certainly, also in

J57KKOU1

Levitt - Direct

1 the context of the 1985 letter, open letter by Hezbollah,
2 clearly refers to those who are engaging in a militant jihad,
3 it's fighters in the cause of -- in their religious cause.

4 THE COURT: How is mujahideen spelled?

5 THE WITNESS: M-u-j-i-h-i-d-e-e-n or M-u-j-a. It's a
6 transliteration.

7 BY MS. HOULE:

8 Q. Does the 1985 letter include any references to the concept
9 of martyrdom?

10 A. It does.

11 Q. Based on your research and review of Hezbollah materials,
12 what's the meaning of that term in this context?

13 A. Well, it's referring to one who is killed or dies for the
14 cause. In this case, the cause of Hezbollah and Iran in
15 support of Shia around the world and against their perceived
16 enemies, first and foremost, Israel, and then the United
17 States. Sometimes it's used, especially in colloquial to
18 refer, for example, to a suicide bomber. It need not be. One
19 who is sitting on the back porch and is killed by the enemy and
20 was in the service of the cause could also be referred to as a
21 martyr. So it's got a broad meaning, but the point is that
22 people who die in the course of service for the cause.

23 Q. Did the 1985 letter include any references to an individual
24 named Ruhollah Khomeini?

25 A. It did.

J57KKOU1

Levitt - Direct

1 Q. Who is that?

2 A. Ruhollah Khomeini was the supreme leader of Iran, the man
3 who brought the revolution to Iran in 1979, and created the
4 Islamic Republic of Iran that we now know today.

5 Q. Through your research, have you seen photos of Khomeini?

6 A. Yes.

7 Q. If you could turn to what's been marked for identification
8 as Government Exhibit 104 in that binder.

9 A. Yes.

10 Q. Who is that?

11 A. This is Ayatollah Ruhollah Khomeini.

12 MS. HOULE: The government offers 104.

13 MR. SCHACHT: No objection.

14 THE COURT: Received.

15 (Government's Exhibit 104 received in evidence)

16 MS. HOULE: If you could publish that, Ms. Shields,
17 please.

18 BY MS. HOULE:

19 Q. What does the 1985 letter say about the individual on the
20 screen, Khomeini?

21 A. It describes him as the person to be emulated by the
22 followers of Hezbollah and the followers of Iran. In other
23 words, there's a concept of the just guardian, Waliyat
24 el-Faqih, W-a-l-i-y-a-t e-l hyphen F-a-q-i-h, guardianship of
25 the just ruler, meaning that the supreme leader of Iran in the

J57KKOU1

1 person of Ayatollah Khomeini was the person to be emulated on
2 earth, and that he was like -- almost like a spokesman for God
3 on earth, and that the members of Hezbollah were subservient to
4 him and took their cues, their direction, from him.

5 Q. Dr. Levitt, you said that this letter called for the
6 annihilation of Israel; is that correct?

7 A. Yes.

8 Q. And you indicated that it described the United States as an
9 enemy of Hezbollah?

10 A. As an enemy of Hezbollah, as -- it quotes Ayatollah
11 Khomeini as saying the United States is the root of all evil.

12 Q. I'd like to cover briefly some of Hezbollah's military
13 conflicts.

14 THE COURT: Before we do that, is this a good time for
15 a break?

16 MS. HOULE: Yes, your Honor.

17 THE COURT: We're going to have a long lunch today,
18 members of the jury. Come back at 2:15. Close up your books,
19 give them to Ms. Jones on your way out. Do not discuss the
20 case amongst yourselves or with anyone else.

21 (Jury not present)

22 THE COURT: Have a good lunch, everyone.

23 MR. SCHACHT: Thank you. You too, Judge.

24 (Luncheon recess)

J57KKOU1

Levitt - Direct

1 AFTERNOON SESSION

2 2:25 P.M.

3 (Trial resumed)

4 (In open court; jury present)

5 MS. HOULE: Should Dr. Levitt take the stand, your
6 Honor?7 THE COURT: Good afternoon, members of the jury. Be
8 seated, everyone.

9 Dr. Levitt, please remember that you are under oath.

10 Ms. Houle, please continue your examination.

11 MATTHEW LEVITT, resumed.

12 DIRECT EXAMINATION CONTINUED

13 BY MS. HOULE:

14 Q. Dr. Levitt, I'd like to resume by asking you about some
15 military conflicts that Hezbollah has been engaged in.

16 A. Okay.

17 Q. You testified earlier that when Hezbollah was first formed,
18 they were trained by the Iranian Revolutionary Guard and that
19 they were engaged in a conflict with the Israeli Defense Force
20 in Lebanon; is that right?

21 A. Yes.

22 Q. If you could turn to what's marked in your binder as
23 Government Exhibit 5 for identification.

24 What is this?

25 A. This is a map of Northern Israel and Southern Lebanon, with

J57KKOU1

Levitt - Direct

1 the demarcation of the boundary between the two countries known
2 as the Blue Line. Because it was demarcated by the United
3 Nations and U.N. soldiers who wear a blue helmet, so Blue Line.

4 MS. HOULE: Your Honor, the government offers
5 Government Exhibit 5.

6 MR. SCHACHT: No objection.

7 THE COURT: Received.

8 (Government's Exhibit 5 received in evidence)

9 MS. HOULE: Ms. Shields, could you please publish it.

10 BY MS. HOULE:

11 Q. Dr. Levitt, now that this exhibit is on the screen, could
12 you explain to the jury what it shows?

13 A. So this line you see, crooked line, is the Blue Line, the
14 border between Israel to the south --

15 THE COURT: Could someone mark the light or some --

16 MS. HOULE: Can you highlight the line, Ms. Shields,
17 that Dr. Levitt is referring to.

18 THE WITNESS: From -- yeah.

19 THE COURT: Okay. It stretches across, doesn't it?

20 THE WITNESS: So it starts there at the coast, the
21 Rosh HaNiqura on the Israeli side, and you can see it squiggle
22 south and then north around the Southern Lebanese Town of Bint
23 Jbeil. It goes up right around the Israeli Town of Metula --
24 it's referred to as Israel's northern finger --

25 THE COURT: Can you highlight Metula?

J57KKOU1

Levitt - Direct

1 THE WITNESS: There you go.

2 THE COURT: Highlight Rosh HaNiqura. Not on the map.

3 State where it is.

4 THE WITNESS: It juts down and then back up. Where it
5 juts down, you can see a dotted line. That is the
6 demilitarized zone line separating Israel from the Golan
7 Heights. So there is the Israeli side control of the Golan
8 Heights and then the Syrian side of the Golan Heights. This
9 line is just before the Golan.

10 THE COURT: Okay.

11 BY MS. HOULE:

12 Q. Using this map, Dr. Levitt, could you please explain where
13 that conflict between the early Hezbollah militia and the
14 Israeli Defense Force took place?

15 A. So the Palestine Liberation Organization, Palestinian
16 terrorist group, had situated itself in this swath of Southern
17 Lebanon really all along -- kind of at a diagonal along the
18 border area. It had effectively become a state within a state
19 and was carrying out attacks on these Northern Israeli
20 communities from this base in Southern Lebanon.

21 So, in 1982, after a Palestinian group tried to
22 assassinate an Israeli ambassador in London, the defense forces
23 moved north, crossed this border, and occupied what they called
24 the security strip, but occupied a part of Southern Lebanon all
25 along this border, and they stayed there. They had a local

J57KKOU1

Levitt - Direct

1 proxy called the South Lebanon Army, and so the Israel Defense
2 Forces and the South Lebanon Army occupied this swath of land.

3 A variety of Lebanese groups, some of them Christian,
4 some of them Sunni Muslim, some Shia Muslim of the latter, to
5 include what became Hezbollah, fought the Israelis to push them
6 out of Southern Lebanon.

7 Q. What, if anything, happened in December of 2000 in relation
8 to the conflict that you just described?

9 A. In December 2000, the Israeli Government made a decision to
10 withdraw all forces from Southern Lebanon, and they did that,
11 in December 2000, moving all forces of theirs. They also
12 withdrew any of the south Lebanese army elements that would
13 come into Israel proper, ending the occupation of Southern
14 Lebanon. There's only one spot that is still contested. It's
15 called the Shebaa Farms, and it's at that point going down to
16 the right of Metula where the three border areas kind of meet.
17 It is -- the U.N. says it's actually Syrian territory, but both
18 the Lebanese Government and Hezbollah still claim it as
19 Lebanese, and so they claim that Israel still occupies that
20 piece, but the international community does not believe it's
21 Lebanese land.

22 Q. Turning to 2006, was Hezbollah engaged in another military
23 conflict at that time?

24 A. Yes.

25 Q. And what did that conflict consist of?

J57KKOU1

Levitt - Direct

1 A. The conflict was in the summer in July of 2006. It lasted
2 just over a month. Hezbollah sent members of its militia to
3 engage Israel Defense Forces soldiers who were located in
4 Israel on the Israeli side of the border. They engaged them.
5 Some of the Israeli soldiers were wounded. Hezbollah crossed
6 into Israel, grabbed those wounded Israeli soldiers, took them
7 into Lebanon, thus starting a war with Israeli reprisals to get
8 their soldiers back, and led to what's called as the July 2006
9 War.

10 Q. What, if any, involvement did Iran have in the July 2006
11 War?

12 A. Well, as we discussed this morning, Iran has, since
13 Hezbollah's inception, provided funds, and weapons, and
14 training to Hezbollah, and they certainly provided that in
15 advance of the July 2006 War. The July 2006 War was remarkable
16 in many ways, but maybe most significantly because Hezbollah
17 had stockpiled an arsenal of rockets and shorter range
18 projectiles, mortars, et cetera, several thousand, a larger
19 arsenal than most sovereign countries have, and was shooting
20 these rockets into Israeli communities over the border, into
21 Israel. Those rockets were provided by Iran, as is the funding
22 and the training that enables Hezbollah to carry out these
23 types of activities.

24 Q. And this 2006 War, did it occur in the same area that you
25 described as the prior conflict, which would be along that

J57KKOU1

Levitt - Direct

1 border between Israel and Lebanon?

2 A. That's right.

3 Q. How did that war end?

4 A. It ended with Israel withdrawing back into Israeli
5 territory, with Hezbollah stopping its rocket attacks, and with
6 a little bit of lack of clarity on each side. So on the
7 Hezbollah side, the Secretary General, the leader of Hezbollah,
8 Hassan Nasrallah, declared that this had been, in his words, a
9 divine victory, that by not being destroyed by the Israeli
10 army, they were the first Arab army to -- by not being
11 destroyed, to win, and it was a divine victory. On the flip
12 side, he gave a public address where he issued a mea culpa, and
13 he said if I had known how ferocious the Israeli response would
14 have been, I wouldn't have had Hezbollah soldiers kidnap the
15 Israelis in the first place.

16 And then from the Israeli side, they put together a
17 national commission led by a former Supreme Court judge, Judge
18 Winograd, and, therefore, the Winograd Commission, which was
19 publicly available and was quite blunt on the shortcomings of
20 the way the IDF fought this war on the one hand, and, on the
21 other hand, we have not seen a conflict like that, between
22 Israel and Hezbollah, since 2006.

23 So for all of the ways in which they didn't fight it
24 as well as they could have, and for all of Hezbollah's divine
25 victory, it seems that both sides have kind of re-understood

J57KKOU1

Levitt - Direct

1 the message of deterrence of what they can do to one another,
2 and we haven't had, thankfully, a conflict between Hezbollah
3 and Israel like that since 2006, which, in this region, is a
4 really long time.

5 Q. Turning your attention to 2014, did Hezbollah become
6 involved in any conflict in Syria at that time?

7 A. Yes. At least they publicly announced that they were
8 engaged in conflict in Syria in defense of the regime of Bashar
9 al-Assad, the President of Syria, B-a-s-h-a-r a-l hyphen
10 A-s-s-a-d. They had actually been fighting for some time
11 beforehand, and as Hezbollah militants were killed fighting in
12 Syria, there was an increasing number of funerals back in
13 Lebanon and Hezbollah, officials would attend them, they would
14 come out in the media, but it was around May that the Secretary
15 General Nasrallah came out publicly and acknowledged that
16 Hezbollah was fighting there after it had come out that
17 Hezbollah had paid a very critical role in the battle along the
18 Syrian-Lebanese border a month earlier.

19 Q. What was the name of that battle?

20 A. It was the Battle of Qusayr, Q-u-s-a-y-r.

21 Q. You mentioned Bashar al-Assad?

22 A. Yes.

23 Q. Through your research, have you become familiar with photos
24 of him?

25 A. I have.

J57KKOU1

Levitt - Direct

1 Q. If you could turn to what's been marked for identification
2 as Government Exhibit 113 in that binder.

3 THE COURT: Do you have any objection to this?

4 MR. SCHACHT: No, your Honor.

5 THE COURT: All right. Received. Display it.

6 (Government's Exhibit 113 received in evidence)

7 MS. HOULE: If you could publish that, Ms. Shields.

8 BY MS. HOULE:

9 Q. Who is shown on the screen?

10 A. This is President Bashar al-Assad of Syria.

11 Q. Are you familiar with a location in Syria called the Shrine
12 of Sayyidah Zaynab?

13 A. Yes. The Sayyidah Zaynab Shrine.

14 Q. What's the significance of that?

15 A. This is a Shia Pilgrimage spot, where it is believed
16 Zaynab, who's the granddaughter of the Prophet Muhammad, is
17 buried. So it's a holy site for Shia Muslims.

18 Q. Does Hezbollah have any affiliation with that site?

19 A. When it became public that Hezbollah was fighting in Syria,
20 one of the justifications that Hezbollah officials gave for
21 that was that, among other things, they were protecting the
22 Sayyidah Zaynab Shrine.

23 Q. Let's turn to the structure of Hezbollah.

24 How is Hezbollah generally organized?

25 A. Hezbollah is organized with a secretary general and a

J57KKOU1

Levitt - Direct

1 deputy secretary general, who lead a consultative council, or a
2 Shura, S-h-u-r-a, Council, that is kind of the governing body
3 for the group. Under the Shura Council are a variety of other
4 councils for thematic responsibility. So, for media, for
5 social welfare activity, for political activity, for militant
6 intelligence terrorist activity. That last one is referred to
7 as the jihad council.

8 Q. I'd like to briefly discuss Hezbollah's terrorist
9 operations.

10 Are you familiar with the Islamic Jihad Organization?

11 A. I am.

12 Q. What is that?

13 A. The Islamic Jihad Organization is the name or one of the
14 names for Hezbollah's terrorist wing. Part of Hezbollah that
15 engages in terrorist attacks in and beyond Lebanon's borders
16 and also intelligence activities.

17 Q. What other names does it go by?

18 A. It goes by the name -- a variety of names, including the
19 External Security Organisation.

20 MS. HOULE: Your Honor, I'd like to read another
21 portion of the stipulation at Government Exhibit 1001.

22 THE COURT: Very well.

23 MS. HOULE: The parties agree as follows -- this is at
24 paragraph 1 -- the Islamic Jihad Organization, which is also
25 referred to as the IJO, the External Security Organisation,

J57KKOU1

Levitt - Direct

1 ESO, and unit 910 is part of Hezbollah, which is sometimes
2 spelled, among other ways -- so we have two spellings in the
3 stipulation, one is H-i-z-b-a-l-l-a-h and the other is
4 H-e-z-b-o-l-l-a-h.

5 BY MS. HOULE:

6 Q. For purposes of your testimony today, Dr. Levitt, let's
7 refer to the Islamic Jihad Organization as the IJO.

8 What is the function of the IJO?

9 A. The IJO is Hezbollah's terrorist wing. It's responsible
10 for carrying out amounts of terrorism and related intelligence
11 and surveillance.

12 Q. Has the IJO ever committed an attack abroad?

13 A. Yes. Several.

14 Q. Who oversees the IJO?

15 A. There is usually leadership of the IJO within this jihad
16 council. The first and longest serving leader was a Hezbollah
17 operative named Imad Mughnayeh, I-m-a-d M-u-g-h-n-i-y-e-h. He
18 was killed in 2008 and was succeeded in leadership of the IJO
19 by his brother-in-law and partner, Mustafa Badreddine.

20 Q. You mentioned earlier that Hezbollah has a secretary
21 general?

22 A. Yes.

23 Q. Who is that?

24 A. Hassan Nasrallah.

25 Q. Are you familiar with photos of Hassan Nasrallah through

J57KKOU1

Levitt - Direct

1 your research?

2 A. I am.

3 Q. If you could turn to what's been marked for identification
4 as Government Exhibit 103 in that binder.

5 A. Yes.

6 Q. Who is that a photo of?

7 A. This is Hassan Nasrallah.

8 MS. HOULE: The government offers 103.

9 MR. SCHACHT: No objection.

10 THE COURT: Received.

11 (Government's Exhibit 103 received in evidence)a

12 MS. HOULE: If you could publish that, Ms. Shields,
13 please.

14 BY MS. HOULE:

15 Q. In connection with Nasrallah, does the date August 31st,
16 1960, have any significance?

17 A. That's his birthday.

18 Q. Does Nasrallah, as the Secretary General, report to anyone?

19 A. Not within Hezbollah, no. He sits at the top of the
20 pyramid. But as we discussed, Hezbollah is very close to Iran
21 and, in particular, to Iran's Islamic Revolutionary Guard
22 Corps, IRGC, and the IRGC's Quds Force. In that regard, he
23 does liaise with, work with, and sometimes takes instructions
24 from leaders of the Quds Force and the IRGC.

25 Q. Who is currently the Supreme Leader of Iran?

J57KKOU1

Levitt - Direct

1 A. The Supreme Leader of Iran today is Ayatollah Ali Khamenei.

2 Q. If you could turn to what's been marked for identification
3 as Government Exhibit 105. Who is that a photo of?

4 A. This is Ayatollah Khamenei.

5 MS. HOULE: The government offers 105.

6 MR. SCHACHT: No objection.

7 (Government's Exhibit 105 received in evidence)

8 MS. HOULE: Your Honor, may we publish Government
9 Exhibit 105?

10 THE COURT: You may.

11 MS. HOULE: Ms. Shields, if you could publish that,
12 please.

13 BY MS. HOULE:

14 Q. Who is shown on the screen?

15 A. This is the current Supreme Leader of Iran, Ayatollah Ali
16 Khamenei.

17 THE COURT: We've seen that before, haven't we?

18 MS. HOULE: Not this picture, your Honor. We saw the
19 prior Supreme Leader of Iran.

20 THE COURT: Also named Khomenei?

21 MS. HOULE: Yes, your Honor.

22 THE WITNESS: Similar, but different spelling.

23 THE COURT: Just to confuse us.

24 THE WITNESS: Yes, sir. Welcome to my world.

J57KKOU1

Levitt - Direct

1 BY MS. HOULE:

2 Q. Dr. Levitt, you mentioned earlier that Iran has a financial
3 relationship with Hezbollah. Has that financial relationship
4 been consistent over the years?

5 A. It has in the sense that there has consistently been
6 Iranian funding for Hezbollah. It has not in the sense that
7 that funding sometimes fluctuates due to realities in the
8 world, increase or drop in the price of oil affecting Iran's
9 budget, international sanctions targeting Iran, et cetera. So
10 sometimes it gets higher, and sometimes it gets a little lower,
11 but over time, it has been consistent in that it has flowed.

12 Q. What, generally, are the levels of funding that Iran has
13 sent to Hezbollah?

14 A. Well, like I said, it has fluctuated, but the current
15 estimate that U.S. Government officials use is somewhere around
16 700 to 800 million dollars a year. In previous years, the
17 estimate has been less, but also in the range of, you know,
18 \$200 million a year or something like that.

19 Q. Has the U.S. Government imposed sanctions on Iran
20 historically?

21 A. Yes.

22 Q. Has that had any impact on Iran's funding of Hezbollah?

23 A. At times, yes, and at times not, but certainly there have
24 been points where the sanctions in Iran have inhibited Iran
25 from being able to provide the extent of financial aid that it

J57KKOU1

Levitt - Direct

1 wanted to provide to Hezbollah.

2 Q. In connection with your research of Hezbollah's leaders,

3 I'd like to ask you about a few more individuals before we move
4 on.

5 Who is Sheikh Hussein Kourani?

6 A. Sheikh Hussein Kourani is a Hezbollah religious leader. He
7 is, perhaps, best known for early on, in the mid- to late
8 1980s, saying that United Nations forces stationed in South
9 Lebanon were legitimate targets for Hezbollah because they were
10 preventing Hezbollah from being able to attack the Israelis
11 directly.

12 Q. Who is Haider Kourani, H-a-i-d-e-r?

13 A. Haider Kourani is a senior Hezbollah military operative.
14 At one point he was the head of security, military security,
15 for all of South Lebanon.

16 Q. Dr. Levitt, you mentioned that Hezbollah has a media wing.
17 What types of media does Hezbollah use to express its message
18 to the public?

19 A. Hezbollah engages in a broad multimedia campaign. It runs
20 a satellite television station called Al-Manar, A-l hyphen
21 M-a-n-a-r. It runs radio stations. It has newspapers, some
22 that are actually Hezbollah, some that are kind of
23 pro-Hezbollah. It runs websites. It invests heavily in media.

24 Q. If you could turn to what's been marked as Government
25 Exhibit 102 in your binder.

J57KKOU1

Levitt - Direct

1 A. Yes.

2 Q. What is that?

3 A. This is the symbol for Al-Manar.

4 MS. HOULE: The government offers 102.

5 MR. SCHACHT: No objection.

6 THE COURT: Received.

7 (Government's Exhibit 102 received in evidence)

8 MS. HOULE: Could you please publish it, Ms. Shields.

9 BY MS. HOULE:

10 Q. Dr. Levitt, you said that this is the symbol for Al-Manar,
11 which is the sort of flagship of Hezbollah's media presence; is
12 that right?

13 A. That's right.

14 Q. What is Al-Nour?

15 A. Al-Nour is one of Hezbollah's radio stations.

16 MS. HOULE: Your Honor, I'd like to read the final
17 paragraph of that stipulation between the parties at Government
18 Exhibit 1001?

19 THE COURT: Yes.

20 MS. HOULE: Paragraph 4 reads: Al-Manar and Al-Nour
21 are media arms of Hezbollah. In 2006, the U.S. Department of
22 the Treasury designated Al-Manar and Al-Nour as specially
23 designated global terrorist entities, and they remain so
24 designated.

25 That is an agreement between the parties. I read each

J57KKOU1

Levitt - Direct

1 of the paragraphs now, your Honor, of the stipulation at
2 Government Exhibit 1001, so I offer it now.

3 MR. SCHACHT: No objection.

4 THE COURT: Received.

5 (Government's Exhibit 1001 received in evidence)

6 BY MS. HOULE:

7 Q. Dr. Levitt, are you familiar with a series called "What If
8 Hezbollah Was Defeated"?

9 A. Yes. This is kind of a dramatic series that was aired on
10 Al-Manar.

11 Q. Does Hezbollah also disseminate its messages through public
12 addresses?

13 A. Yes.

14 Q. If we could turn now back, Dr. Levitt, to the Islamic Jihad
15 Organization, IJO. You mentioned earlier a leader of the IJO,
16 Imad Mugniyeh?

17 A. Yes.

18 Q. If you could turn to what's been marked in your binder as
19 Government Exhibit 1006.

20 A. Yes.

21 Q. Who is that?

22 A. This is Imad Mugniyeh.

23 MS. HOULE: The government offers 106.

24 MR. SCHACHT: No objection.

25 THE COURT: Received.

J57KKOU1

Levitt - Direct

1 (Government's Exhibit 106 received in evidence)

2 MS. HOULE: If we could publish that, Ms. Shields,
3 please.

4 BY MS. HOULE:

5 Q. What role did Mughnayeh serve in the IJO?

6 A. He was its founding leader and led the IJO until his death
7 in 2008.

8 Q. How did he die?

9 A. He was killed, he was assassinated, in Damascus after
10 leading a meeting with Syrian military intelligence. An
11 explosive device was placed in his car.

12 Q. Is there publicly available information about who carried
13 out that assassination?

14 A. Well, it wasn't at the time, but there is now.

15 Q. What is that?

16 A. It was a joint operation between the United States and
17 Israel.

18 Q. What, if any, impact did Mughnayeh's death have on the
19 priorities of the IJO at that time?

20 A. Well, it added to them. Mughnayeh was not only the leader
21 of this elite element, he was also one of the founding leaders
22 of the organization writ large and was very close to Nasrallah
23 himself. So with his assassination, it became important to
24 Hezbollah to exact revenge for the assassination, and the IJO
25 began to carry out surveillance for a series of attempted

J57KKOU1

Levitt - Direct

1 terrorist attacks around the world, done at least in part, to
2 avenge Mughniyeh's death.

3 Q. Did Hezbollah make any public announcements in connection
4 with this focus on international attacks after Mughniyeh's
5 death in 2008?

6 A. In a veiled sense, yes. At his funeral, Second General
7 Hassan Nasrallah spoke, of course, and one of the things he
8 said was something to the effect that Israel had -- they blamed
9 Israel for this, even though the fact that it was a joint
10 U.S.-Israeli operation wasn't yet known, and said, Israel, you
11 carried out this attack in Syria, which is beyond the
12 Israeli-Lebanon traditional battle space, and so he said if you
13 want, and the quote was open war, then let there be open war.
14 I'm paraphrasing except for the words open war.

15 And so intelligence officials around the world, and
16 certainly in Israel, but here in the United States as well,
17 took that as a veiled threat that there would be attacks and
18 that they would not be limited to the Israeli-Lebanon arena.

19 Q. I'd like to ask you about a few specific incidents, both
20 before and after Mughniyeh's death.

21 Was there an incident involving an aircraft in 1985?

22 A. Yes. The highjacking of TWA 847, which led to, among other
23 things, the brutal murder of a U.S. Navy diver.

24 Q. Based on your research, is it your opinion that this 1985
25 highjacking was committed by the IJO?

J57KKOU1

Levitt - Direct

1 A. Without question.

2 Q. Are you familiar with an individual named Mohammad Ali
3 Hamadi, H-a-m-a-d-i?

4 A. I am.

5 Q. Who is that?

6 A. He is a Hezbollah operative who was one of the highjackers
7 Of this TWA highjacking and is still wanted by U.S.
8 authorities.

9 Q. If you can turn to what's been marked as Government Exhibit
10 107 in that binder.

11 A. Yes.

12 Q. Who is that a photo of?

13 A. This is Hamadi.

14 MS. HOULE: The government offers 107.

15 MR. SCHACHT: A brief voir dire, your Honor?

16 THE COURT: All right.

17 VOIR DIRE EXAMINATION

18 BY MR. SCHACHT:

19 Q. Sir, how do you know who that is in the picture? Have you
20 met him before?

21 A. I have not met him. Among other things, he is one of the
22 FBI's most wanted, and there are several pictures of him there,
23 including this one.

24 Q. So your statement that that's him is based upon the fact
25 that someone else in the FBI told you or told the world that

J57KKOU1

Levitt - Direct

1 that is him?

2 A. The FBI and others. He also served time in Germany, and I
3 have met with German officials as well.

4 Q. What have the German officials told you?

5 A. That this is Mohammed Ali Hamadi.

6 MR. SCHACHT: I have no other questions. No
7 objection.

8 (Government's Exhibit 107 received in evidence)

9 MS. HOULE: Ms. Shields, if you could publish
10 Government Exhibit 107.

11 BY MS. HOULE:

12 Q. Turning your attention to 2012, based on your research,
13 what is your opinion of whether the IJO committed any attack
14 that year?

15 A. They did.

16 Q. What attack was that?

17 A. Well, they carried out one successful attack and some
18 failed or thwarted attacks. The successful attack was at the
19 airport in Burgas, Bulgaria, where Hezbollah operatives placed
20 a bomb on a bus of Israeli tourists who had arrived at the
21 airport on vacation and blew up the bus, killing several
22 Israelis, wounding several more, and killing the Muslim
23 Bulgarian bus driver as well.

24 Q. Shortly before that bus attack in 2012, was there an arrest
25 of a suspected IJO operative?

J57KKOU1

Levitt - Direct

1 A. There was. In Cyprus.

2 Q. What was the name of that operative?

3 A. Hussam Yacoub, H-u-s-s-a-m Y-a-c-o-u-b.

4 Q. Through your research, have you seen a photo of Yacoub?

5 A. I have.

6 Q. If you can turn in your binder to what's been marked as
7 Government Exhibit 112.

8 A. 112? Yes.

9 Q. Who is shown in that photo?

10 A. This is Hussam Yacoub.

11 MS. HOULE: The government offers 112.

12 MR. SCHACHT: No objection.

13 THE COURT: Received.

14 (Government's Exhibit 112 received in evidence)

15 MS. HOULE: If you could publish that, Ms. Shields.

16 BY MS. HOULE:

17 Q. In connection with your research of the IJO, Dr. Levitt,
18 have you reviewed a website called Stop910?

19 A. Yes.

20 Q. What is that website?

21 A. It is a website that purports to put up pictures of
22 Hezbollah operatives in an effort to kind of out them publicly.
23 910, as we said, is one of the names of Hezbollah's IJO
24 terrorist wings. So Stop910, they're outing to try and stop
25 the activities of Hezbollah's IJO.

J57KKOU1

Levitt - Direct

1 Q. Who is Fady Kassab?

2 A. Fady Kassab is a Hezbollah operative.

3 Q. Have you seen photographs of Fady Kassab through your
4 research?

5 A. I have.

6 Q. If you can turn to what's been marked in that binder as
7 Government Exhibit 108.

8 A. Yes.

9 Q. Who is that a photo of?

10 A. This is Fady Kassab.

11 MS. HOULE: The government offers 108?

12 MR. SCHACHT: No objection.

13 (Government's Exhibit 108 received in evidence)

14 MS. HOULE: Could you publish that, Ms. Shields,
15 please.

16 BY MS. HOULE:

17 Q. Who is Samir Kuntar?

18 A. Samir Kuntar was a Druze, D-r-u-z-e -- the Druze are one of
19 the religious sects, among other places, in Lebanon, also in
20 Israel and Syria, he was from Lebanon -- who was involved with
21 a Palestinian terrorist group in 1979, I believe, carried out a
22 cross-border raid into Israel, where, among other things, he
23 bashed a four-year-old girl's head into a rock. He served
24 about 30 years in an Israeli prison for that, eventually was
25 released in a prisoner exchange with Hezbollah who had

J57KKOU1

Levitt - Direct

1 requested his release. I believe that was in 2008.

2 Hezbollah lauded him as a great militant and
3 eventually dispatched him to Southern Syria, along the border
4 with Israel on the Syrian part of the Golan Heights, to recruit
5 local Druze youth to be a Hezbollah cell to carry out attacks
6 now against Israel not only from Lebanon, but from Syria. And
7 shortly thereafter, he was killed in an Israeli air strike.

8 Q. Through your research, have you seen photographs of Samir
9 Kuntar?

10 A. I have.

11 Q. Could you turn to what's been marked in your binder for
12 identification as Government Exhibit 111.

13 A. Yes.

14 Q. Who is that a photo of?

15 A. This is Samir Kuntar.

16 MS. HOULE: The government offers 111.

17 MR. SCHACHT: No objection.

18 THE COURT: Received.

19 (Government's Exhibit 111 received in evidence)

20 MS. HOULE: Ms. Shields, could you publish it, please.

21 BY MS. HOULE:

22 Q. That is Samir Kuntar, Dr. Levitt?

23 A. Yes.

24 Q. Who is Fauzi Ayub?

25 A. Fauzi Ayub was a Hezbollah operative who, at one point,

J57KKOU1

Levitt - Direct

1 came to Canada and obtained Canadian citizenship, so he was a
2 dual Lebanese Canadian. At one point lived for some time
3 across the border in the United States, in Michigan, was on the
4 FBI's most wanted list. There was an indictment for him for
5 his use of a false U.S. passport, which he used to travel to
6 Israel and the West Bank, Palestinian authority territory, the
7 West Bank.

8 He was arrested by the Palestinians, eventually handed
9 over to the Israelis, tried, convicted, served time in an
10 Israeli jail, and then he, too, was traded in an Israeli
11 prisoner swap and was later killed, I believe, in 2014,
12 fighting for Hezbollah and Syria.

13 Q. Through your research, have you seen photos of Fauzi Ayub?

14 A. I have.

15 Q. If you could turn to what's been marked in your binder as
16 Government Exhibit 110.

17 A. Yes.

18 Q. Who is that?

19 A. This is Fauzi Ayub.

20 MS. HOULE: The government offers 110.

21 MR. SCHACHT: No objection.

22 THE COURT: Received.

23 (Government's Exhibit 110 received in evidence)

24 MS. HOULE: Could you publish, please, Ms. Shields.

J57KKOU1

Levitt - Direct

1 BY MS. HOULE:

2 Q. Dr. Levitt, is that Fauzi Ayub?

3 A. Yes.

4 Q. Who is Mohammad -- I'm sorry, Mahmoud Kourani,

5 M-a-h-m-o-u-d?

6 A. Mahmoud Kourani is a Hezbollah operative who at one point
7 came across the Mexican border into the United States
8 illegally, made his way to Michigan, and was ultimately
9 arrested. I believe he pled guilty to providing material
10 support to Hezbollah and served several years in jail.

11 Q. Through your research, have you seen photographs of him?

12 A. I have.

13 Q. If you could turn to what's been marked in your binder as
14 Government Exhibit 115. Who is that a photo of?

15 A. This is Mahmoud Kourani.

16 MS. HOULE: The government offers 115.

17 MR. SCHACHT: No objection.

18 THE COURT: Received.

19 (Government's Exhibit 115 received in evidence)

20 MS. HOULE: Could you publish, please, Ms. Shields.

21 BY MS. HOULE:

22 Q. Dr. Levitt, are you familiar with a term "Op Israel"?

23 A. I am.

24 Q. What is that?

25 A. It is an annual, or intended to be annual, cyber campaign

J57KKOU1

Levitt - Direct

1 targeting Israel that has been blamed on Iran and Hezbollah.

2 Q. Based on your analysis of attacks committed by the Islamic
3 Jihad Organization, have you identified any common features of
4 those attacks?

5 A. I have.

6 Q. Can you describe some of those features for the jury,
7 please?

8 A. So Islamic Jihad Organization attacks tend to include
9 preoperational surveillance of a target. They will often
10 involve then sending in other operatives to then carry out the
11 actual attack itself. So one person will be sent from Lebanon
12 or from elsewhere to carry out surveillance. That surveillance
13 is provided back to handlers. Ultimately, for the attack
14 itself, often another operative will be sent in to carry out
15 the attack itself.

16 There will be logistics that have to go into an
17 operation like this. So whether that is procuring material for
18 the explosive, procuring a vehicle, procuring or renting a
19 storage facility, moving the explosive, usually in a car, to
20 someplace near the intended bombing target a day or two before
21 the actual plot, and then recruiting people for these purposes
22 who have kind of comfort internationally, people who have
23 traveled and/or speak foreign languages, people who have
24 foreign nationality or can get foreign nationality, in other
25 words, they can travel on a non-Lebanese passport. If they

J57KKOU1

Levitt - Direct

1 have already a second passport, but it has stamps from Lebanon
2 asking them to say that they lost that passport and getting a
3 clean, non-Lebanese passport that they can travel on, and
4 sending people to travel for operational purposes through other
5 places.

6 So instead of, say, sending an operative from Lebanon
7 directly to Cyprus, though it's so close, maybe telling them to
8 travel somewhere else in the region first, make a stop, and
9 then go from there to Cyprus, so that there's not a direct
10 connection between Lebanon and the travel.

11 (Continued on next page)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

J57AAKOU2

Levitt - Direct

1 BY MS. HOULE:

2 Q. You mentioned that operatives maybe tasked with procuring
3 materials for explosives. Can you describe what you meant by
4 that?

5 A. Well, there's lots of different ways to make a bomb. But
6 over the past several years one Hezbollah modus operandi that
7 we've seen in multiple places in multiple regions has been to
8 procure materials for ammonium nitrate. One way to do this is
9 to collect a large number of those one time use disposable ice
10 packs, the ones that your soccer coach will have. And then you
11 punch it and it breaks a membrane and two chemical compounds
12 mix and it gets very cold for a time and then it's not and you
13 throw it out.

14 Well, apparently some of the chemicals in those
15 disposable ice packs can be removed and be used to build
16 ammonium nitrate explosives. That's something we've seen in
17 several cases around the world.

18 Q. Based on your research, is there any particular location
19 where these ice packs used by the Islamic Jihad Organization
20 are manufactured?

21 A. Several cases have come back to China.

22 Q. Through your research what have you learned about the
23 Islamic Jihad Organization's recruiting tactics?

24 A. The Islamic Jihad Organization is looking for people who
25 are smart. They're looking for people who are educated.

J57AAKOU2

Levitt - Direct

1 They're looking for people who can follow orders and do things
2 surreptitiously without drawing attention to themselves. As I
3 said, they're looking for people who are comfortable traveling
4 and speak other languages and have other nationalities or legal
5 residency, especially, foreign passport.

6 Q. Based on your research, what is your opinion of what
7 training consists of for IJO operatives?

8 A. Well, there's a wide range of training for IJO operatives.
9 Hezbollah runs training camps in Lebanon. It has run training
10 camps together with the Iranians in Iran. And sometimes
11 Hezbollah trainees go to these camps. Often they're put in a
12 car with the windows shaded. Sometimes they have to wear a
13 helmet or a hood so that they can't see where they're going and
14 they can't see others traveling with them.

15 They are not allowed to use their real name. They use
16 a fake name so that others that they're training with wouldn't
17 be able to identify them because if you were caught you
18 won't be able to identify the true identities of someone else
19 you trained with. Those types of training are usually done for
20 things like explosive training, small arms training, things
21 like that.

22 Hezbollah also does much smaller scale training that
23 can be done say in an apartment, say somewhere in Beirut where
24 you'll be brought somewhere. And that might be ideological
25 training. It might be a different type of explosives training,

J57AAKOU2

Levitt - Direct

1 electrical things. It might be instruction in surveillance, in
2 countersurveillance, in how to resist interrogation, the type
3 of thing for which you don't actually need to be kind of out in
4 the wilderness where you might need the space to be able to
5 practice shooting or things like that. So, there's a wide
6 array and there are different levels of the courses, as well.

7 Q. Before we finish up there's one final area of the Islamic
8 Jihad Organization's operation that I'd like to review. At the
9 beginning of your testimony you said that the IJO engages in
10 intelligence gathering activity; is that right?

11 A. That's right.

12 Q. Based on your research, what are the different types of
13 intelligence gathering activities that the IJO engages in?

14 A. We can break them down in two baskets. One is intelligence
15 and one is counterintelligence. Counterintelligence is trying
16 to root out others that might be spying on you. And there is
17 an ongoing kind of spy versus spy thing going on between
18 Hezbollah and its adversaries which include Israel and the
19 United States, others, even some of the Lebanese intelligence
20 services.

21 The second is a practice of intelligence of its own.
22 That would include things like collecting intelligence for
23 targeting purposes. It might include preoperational
24 surveillance that can be of potential targets. But it can also
25 be no less importance of where is a good place to rent a car?

J57AAKOU2

Levitt - Direct

1 Where is a good place to park a car near a potential target
2 where, for example, you can take your car in or out multiple
3 times a day where you don't have to show your ID or if they
4 look at the ID, they don't look at it too closely. It can
5 include things like identifying places or individuals through
6 whom you can acquire things that you might need whether it's
7 small arms or fake IDs.

8 And it can involve other types of logistical support
9 as well. For example, to be able to support other Hezbollah
10 members who might come to the place where you located or
11 collect information on Israelis who live as expatriates where
12 ever you are and things like that.

13 Q. And where do these intelligence gathering activities take
14 place? Is it limited to Lebanon?

15 A. No, of course not, because Hezbollah's actives are not
16 limited to Lebanon. So, if Hezbollah wants to be able to be
17 engaged and active in other places in the world, then it needs
18 to have operatives who either can travel there or ideally can
19 be based there so that they can be called upon to provide
20 information. That can be general information on what's the
21 general politics and how strong is the currency and how easy is
22 it to travel around to much more tactical things related to
23 operations.

24 Q. In your writings you've used the term "sleeper cell" in
25 connection with the IJO. What is a sleeper cell?

J57AAKOU2

Levitt - Direct

1 A. So, the idea of a sleeper cell is that you have someone who
2 is dispatched to go to another place for an extended period of
3 time. And their primary directive is not to be engaged in
4 activities for their organization -- in this case Hezbollah
5 IJO -- on a day-to-day basis but rather, to establish a life
6 and get a job and get residency and get an education and have
7 an income and then be able kind of on the side to be able to be
8 called upon as necessary to do things for the group without
9 drawing attention to oneself. So, that could be to do things
10 in the location where you're based.

11 It could also be to do things else where. Again,
12 Hezbollah prefers not to send its operatives directly from
13 Lebanon to where ever it's going. So, it's in Hezbollah's
14 interests, as well as other groups, to have individuals
15 somewhere else with kind of a clean identify unknown to law
16 enforcement intelligence that can be sent from there to yet a
17 third location to do something. It's just good operational
18 security.

19 Q. Have you heard the phrase "cover identity"?

20 A. I have.

21 Q. And what is that?

22 A. Well, in the movies "cover identity" means you are going
23 undercover and so overnight you have to memorized a completely
24 fake persona. That's a very bad cover identity. In the real
25 world, a strong cover identity is built on your true identity,

J57AAKOU2

Levitt - Direct

1 only then will add to it.

2 So, Sumi Akube in Cyprus who we mentioned earlier was
3 sent to Cyprus multiple times by Hezbollah. The first few
4 times to do nothing operational, to meet people, to tell people
5 he wanted to engage in import/expert businesses, to start
6 getting to know the lay of the land. And then when he later
7 started going to Cyprus for operational purposes you have this
8 great cover story. You have a Lebanese businessman who wants
9 to do business here. I have been here a bunch of times
10 already.

11 So, the cover story is not necessarily made up. It's
12 on top of. It's built into your true identity so that you have
13 the cover to be over able to do something else in a covert
14 manner.

15 Q. Based on your research, are you familiar with communication
16 techniques that the IJO uses to communicate with its overseas
17 operatives?

18 A. Yes, primarily three, at least that I know of. The one
19 that is the least desirable is travel. So, you can travel
20 abroad either to Lebanon or someplace else. And if you are a
21 Lebanese it's not at all strange for you to be traveling on to
22 Lebanon to see family, et cetera. And you can then have
23 meetings with handlers and operatives whether in Lebanon or
24 some place else. But you can't always travel and you don't
25 want to be traveling very often because you don't want to be

J57AAKOU2

Levitt - Direct

1 bring attention to yourself.

2 So, there are two primary ways for terrorist
3 operatives -- and then of course this is also used by
4 Hezbollah's IJO -- to communicate surreptitiously. One is
5 tried and true, which is an old style pager. So, you get a
6 page from a certain number and you know that that means to call
7 a completely different number at a completely, perhaps, at a
8 completely different time. And if the person doesn't answer
9 then and sometimes there's a different time to call or a third
10 time to call.

11 And the second is to set up an e-mail account, Yahoo
12 or GMail or any of these systems. You share the log-on
13 information with someone abroad and you draft an e-mail but you
14 never send it. And so there's nothing to be intercepted in by
15 authorities with a warrant because nothing actually goes. The
16 way you share the message is by putting it in the draft folder
17 and then someone maybe on the other side of world also has the
18 log-in information for that account and open that account and
19 see if there are any messages in the draft folder and
20 communicate back in the same manner.

21 Q. In your writing you have used a term "intelligence war".

22 What does that refer to?

23 A. That is kind of the spy versus spy phenomenon that I was
24 describing earlier. And to be honest both sides have had
25 successes, international community. U.S./Israel, they have had

J57AAKOU2

Levitt - Direct

1 penetrations into Hezbollah and Hezbollah has had some very
2 significant successes from their intelligence for targeting
3 Israel in the United States.

4 Q. When you say "penetrations", what do you mean?

5 A. When you are able to get into in this case Hezbollah's
6 inner circle and collect information. That could mean by
7 planting a listening device. It could be by recruiting an
8 individual who's trusted within Hezbollah but can report back
9 to you. There are multiple ways to be able to penetrate either
10 United States, Israel or others into Hezbollah or vice versa.

11 Q. What is the Mossad?

12 A. The Mossad is the name of Israel's external intelligence
13 service, Israeli equivalent of the CIA.

14 Q. What is Unit 8200?

15 A. Unit 8200 is Israel's signal intelligence agency based out
16 of Israel's military intelligences signaling intelligences
17 tapping into phones and e-mails and satellites and what not.

18 Q. Have you heard of an individual named Mohammad Shawraba?

19 A. Yes.

20 Q. Who is that?

21 A. Mohammad Shawraba was a senior Hezbollah official who
22 around mid to late 2014 was put under investigation by
23 Hezbollah which suspected him of being a spy for Israel. We
24 had mentioned earlier that after the 2008 assassination of Imad
25 Mughniyeh there were a series of Hezbollah operations. Only

J57AAKOU2

Levitt - Direct

1 that one in Bulgaria succeeded but a great many more failed or
2 were thwarted. So Hezbollah got suspicious. There was a leak,
3 and according to press accounts they believed the Shawraba was
4 the leak.

5 Q. Through your research have you seen photos of Shawraba?

6 A. Yes.

7 Q. If you could turn to what's been marked as Government
8 Exhibit 109.

9 A. 109, yes.

10 Q. Who is that?

11 A. This is Shawraba.

12 MS. HOULE: Government offers 109.

13 MR. SCHACHT: No objection.

14 THE COURT: Received.

15 (Government's Exhibit 109 received in evidence)

16 MS. HOULE: If you could publish it, please.

17 Q. Dr. Levitt, has the leader of Hezbollah made any comments
18 about the United States in the context of this intelligence
19 war?

20 A. He has.

21 Q. What has he said?

22 A. He has said that the Hezbollah is in a struggle against
23 both Israel and the United States in this intelligence war and
24 that this is an ongoing effort. Usually, neither the United
25 States or Israel or whoever it is on one side or Hezbollah on

J57AAKOUW

Levitt - Cross

1 the other talk about these things because they're covert but
2 every once in a while they'll make a comment.

3 MS. HOULE: May I have a moment, your Honor?

4 No further questions.

5 THE COURT: OK. Cross?

6 CROSS-EXAMINATION

7 BY MR. SCHACHT:

8 Q. Have you ever been to Israel?

9 A. I have.

10 Q. Do you speak Hebrew?

11 A. Some.

12 Q. Have you ever been to Lebanon?

13 A. No. Unfortunately, I am unable.

14 Q. Do you speak Arabic?

15 A. Not very much.

16 THE COURT: Why are you unable?

17 THE WITNESS: Because I've written very publicly about
18 Hezbollah and I've been warned off from going.

19 Q. Have you been to Iran?

20 A. No.

21 Q. The main language in Iran is Farsi or sometimes called
22 Persian; is that right?

23 A. Farsi, correct.

24 Q. Do you speak that language?

25 A. No.

J57AAKOUW

Levitt - Cross

1 Q. Do you recall on direct-examination the prosecutor asked
2 you whether the rate of \$550 an hour that you charge is similar
3 to the rate that other people in your field charge; do you
4 recall that?

5 A. I do.

6 Q. How many people are there, if you know or that you know of,
7 I should say, how many people do you know of who are experts
8 similar to yourself who testify in court?

9 A. I know that others do. I don't know how many.

10 Q. How many do you know of?

11 A. Quite a few.

12 Q. And you discuss the rates that you charge with each other?

13 A. In general terms.

14 Q. How many hours did you spend alone or with the government,
15 the prosecutors preparing for your testimony?

16 A. I don't know exactly but I would say probably somewhere in
17 the range, not including today's testimony, probably 10 to 15.

18 Q. What is the difference between Sunni and Shia Islam?

19 A. These are the two main sects within the Islamic faith. And
20 there is a schism between the two over who the successor of the
21 Prophet Muhammad would be. That is the bottom line. As to the
22 types of practice, I don't know.

23 Q. And is it fair to say that in the Middle East the majority
24 of countries, Saudi Arabia, Egypt are predominantly Sunni
25 countries?

J57AAKOUW

Levitt - Cross

1 A. Yes. The Sunni community is much larger in general than
2 the Shia community.

3 Q. And the only major country that is predominantly Shia is
4 Iran; is that right?

5 A. No. The only country that is ruled by Shia regime is Iran
6 but there are other countries like Iraq next door that are
7 majority Shia.

8 Q. That brings me to ISIS. What does I-S-I-S stand for?

9 A. Islamic State of Iraq and al-Sham. Al-Sham being the
10 general region across kind of Levant, which is why you'll
11 sometimes hear it referred to as I-S-I-L, Islamic State of Iraq
12 and the Levant or just Islamic State.

13 Q. And the fact that there is or has been historically in the
14 last few years a strong ISIS presence in Iraq and in Syria is
15 something that has led to conflict with Hezbollah; is that fair
16 to say?

17 A. Well, not really. First of all, you said historically and
18 that's not the case historically. We're talking about the very
19 past few years.

20 Q. "Historically" just means any day before today. That's all
21 I mean by "historically"?

22 THE COURT: That's a narrow history. Fix your
23 timeframe.

24 Q. In the last six years.

25 A. So, from 2013. So, you have had conflict between several

J57AAKOUW

Levitt - Cross

1 different overlapping entities in Iraq and Syria and it's
2 extremely overly simplistic to just portray this as Hezbollah
3 versus ISIS. You had a rebellion in Syria rebelling against
4 the dictatorial regime of Bashar al Assad and a very heavy
5 crack down. It grew into an armed rebellion. Assad regime let
6 al-Qaeda operatives out of prison and let people flow in in an
7 effort to make out someone worse than himself saying it's
8 either me, Assad, or the terrorists. I don't think that was
9 true but he helped it become so by letting them out.

10 Then Iran and Hezbollah, other Shia militias from Iraq
11 and others from Russia came to the defense of the Assad regime.
12 Some claim that they're fighting the Islamic state. But in
13 fact, either Russia nor with some exception the Shia militia or
14 Hezbollah are fighting the Islamic state. They're actually
15 fighting those fighting the Assad regime in an effort to
16 preserve at Assad regime. It's a very complex plot of overlaps
17 which does not simply boil down to Hezbollah versus ISIS.

18 Q. You mentioned Russia's involvement. Would it be fair to
19 say that in your writing you've discussed the fact that Russia
20 or Vladimir Putin, to be more specific, has on occasion
21 supported Hezbollah?

22 A. What Russia has done by virtue of being on the side of
23 defending the Assad regime is provide air cover to whichever
24 foot soldiers are willing to kind of be the grunts willing to
25 face the bullets on the ground because he wasn't willing for

J57AAKOUW

Levitt - Cross

1 his own soldiers to do that. He has been clearly very willing
2 to fight to the last Shia militant, to the last Hezbollah
3 militant but has been willing to provide the air cover, yes.

4 Q. Have you had heard of a person called Ali Fayed?

5 A. Yes.

6 Q. Who is Ali Fayed?

7 A. Ali Fayed is an arms merchant.

8 Q. He is a Lebanese Ukrainian; is that fair to say?

9 A. Yes, a dual national.

10 Q. He has exceptionally close ties to Hezbollah?

11 A. He has very close ties to Hezbollah.

12 Q. And he was arrested by an American arrest warrant in Prague
13 in the Czech Republic; is that right?

14 A. The Czechs arrested him based on an American warrant
15 pending his extradition.

16 Q. And the U.S. Government was attempting to extradite him
17 here to this district, to this building; is that right?

18 A. To the U.S. I believe to this district. I'm not sure.

19 Q. And you have written, have you not, that Vladimir Putin
20 personally tried to prevent this man, this terrorist, Ali Fayed
21 from coming here to New York; you've written that, right?

22 A. What I've written is that Putin interfered. He didn't want
23 Ali Fayed extradited but I think it had more to do with the
24 fact that he was a major Ukrainian arms dealer with close ties
25 to Russia than it does to the fact that he was also close to

J57AAKOUW

Levitt - Cross

1 Hezbollah among others, though not limited to, was providing
2 arms to Hezbollah.

3 Q. Have you met Vladimir Putin?

4 A. Haven't had the privilege.

5 Q. What is your basis for saying what his mental state was?

6 A. I'm not commenting on his mental state. I'm commenting on
7 what my assessment is as to why the Russians would not want Ali
8 Fayed released. He was very close to Russia and involved in
9 selling mostly old Russian weapons to all kinds of bad guys. I
10 would imagine that the Russians probably wouldn't want that
11 coming out in Southern District of New York even as they also
12 probably didn't want this Ukrainian with close ties to Russia
13 was providing weapons, among others, to Hezbollah.

14 Q. Do you recall writing that Putin put significant pressure
15 on the Czech Republic not to extradite Fayed to the United
16 States?

17 A. I don't remember exactly writing it and I don't have it in
18 front of me but that sounds accurate. I've written about this.

19 Q. The 1985 TWA hijacking that you testified about, what
20 country did that happen in?

21 A. This was a flight that was on its way to the United States
22 from Athens and stopped in Rome, was diverted to Algeria and
23 then Beirut and then Algeria and then Beirut.

24 Q. You know that my client's name is Ali Kourani, right?

25 A. Yes.

J57AAKOUW

Levitt - Cross

1 Q. Do you know of the numerous people who you mentioned before
2 or whom you spoke about on direct-examination with the same
3 last name "Kourani"? Do you know if any of those people have a
4 familial relationship to Ali Kourani here in court?

5 A. I do not.

6 Q. Do you know whether or not the name "Kourani" in South
7 Lebanon is a common name in South Lebanon?

8 A. I don't know how common but I know that it's not an
9 uncommon name. I've heard of it before.

10 Q. You mentioned on direct-examination that one of the things
11 that IJO treats or -- withdrawn.

12 One of the IJO techniques for training people is to
13 try and teach them or show them how to be -- I don't remember.
14 I think you might have used the phrase "under the radar" or
15 something like that so that they wouldn't be discovered,
16 obviously?

17 A. OK.

18 Q. You talked about that on direct-examination, right?

19 A. I don't think I used the term "under the radar". I am not
20 exactly sure what you are referring to.

21 Q. Well, you were talking about having a good cover and a way
22 to avoid detection by, I assume, other intelligence services or
23 law enforcement; is that right?

24 A. That's right. The prosecutor was asking Hezbollah
25 operatives abroad.

J57AAKOUW

Levitt - Cross

1 Q. And the point you were making is that there are good covers
2 and bad covers, right? That was part of what you were saying?

3 A. There are better covers and worse covers, yes.

4 Q. You've testified before that you've never interviewed any
5 Hezbollah members who were in jail or in custody; do you recall
6 saying that?

7 A. I do.

8 Q. How many Hezbollah members have you interviewed who are not
9 in jail or out of custody?

10 A. None to my knowledge because the part of Hezbollah that I
11 am researching is not that overt part that we discussed in the
12 beginning of the day about that they're willing to talk about
13 when you interview them. My research is about the covert part
14 which they're not going to be willing to talk about.

15 Q. The United States has a large budget for law enforcement;
16 is that fair to say?

17 A. I don't know what the budget is but I assume that there's a
18 decent budget for different law enforcement agencies.

19 Q. You used to work at the FBI, right?

20 A. Correct.

21 Q. Is it safe to say that the United States has a large budget
22 for intelligence gathering; is that fair to say?

23 A. I have no personal knowledge of the budgets for the
24 intelligence community or law enforcement but we're a big
25 country. So, I assume that there's a budget for it.

J57AAKOUW

Levitt - Cross

1 Q. You actually have no personal knowledge about anything you
2 are talking about today, right?

3 A. I'm not sure how to translate that. I have --

4 Q. Is there something unclear about my question?

5 THE COURT: No. Let him answer the question. He's
6 answering.

7 A. I have direct personal knowledge of all the things that I
8 have gone and researched personally about. I think you seem to
9 be getting at that I haven't interviewed Hezbollah people who
10 aren't going to tell me about the things that I'm researching.
11 So, I get my information elsewhere. I'll let you ask the
12 question better. It's kind of a vague question.

13 Q. You don't speak Arabic, right?

14 A. That's right.

15 Q. So, you're not able to read any original document from
16 Hezbollah, ever?

17 A. In order to be able to --

18 Q. It's a yes or no question; are you able to?

19 A. I think you get to ask the questions and I get to answer
20 them. My turn.

21 THE COURT: You do have to answer his question.

22 THE WITNESS: Yes, absolutely.

23 THE COURT: The question is:

24 Are you able to read any original document written in
25 Arabic?

J57AAKOUW

Levitt - Cross

1 A. No.

2 THE COURT: That's translation, right?

3 THE WITNESS: In order to have --

4 MR. SCHACHT: There's no question, sir.

5 THE COURT: I asked the question.

6 What you read is Arabic original documents, is a
7 translation of the documents?

8 THE WITNESS: What I ultimately work with is the
9 translation of the document.

10 Q. So let me recap. To your knowledge, you've never met
11 anyone in Hezbollah?

12 A. Correct.

13 THE COURT: I don't think you need to recap. Ask the
14 questions. Summation is for recapping.

15 Q. You have never actually spoken to anyone with personal
16 knowledge of IJO training; is that fair to say?

17 A. I've spoken to plenty intelligence and law enforcement
18 officials. If you are asking if I've spoken to someone who's
19 gone through their training camps, no. I've read the
20 transcripts of people who have. I've spoken to law enforcement
21 officials who have interviewed people who have.

22 Q. And these are things that are translated from the Arabic of
23 the person who is at the training camp?

24 A. Well, when I am speaking to someone, that's not in Arabic.
25 In some cases these conversation the original would be in

J57AAKOUW

Levitt - Cross

1 Arabic. In other cases, another language is.

2 Q. Let me ask you, based on your research at a Hezbollah
3 training camp, are people speaking in what language?

4 A. Primarily, Arabic. Sometimes through translation. So, for
5 example, when they are in a training camp in Iran, the Iranians
6 don't have enough people who speak Arabic either. As you
7 mentioned, they speak Farsi. So, they tend to work with the
8 translators which is one of the reasons why sometimes the
9 Iranians send other Shia militants, not to their own training
10 camps but to Hezbollah training camps, because Hezbollah while
11 Shia are Arabs and speak Arabic.

12 Q. Farsi is another language you don't speak, right?

13 A. Yes.

14 Q. Have you heard of Project Cassandra?

15 A. I have.

16 Q. What is Project Cassandra?

17 MS. HOULE: Objection.

18 THE COURT: Side bar.

19 (Continued on next page)

20

21

22

23

24

25

J57AAKOUW

Levitt - Cross

1 (side bar)

2 MR. BOVE: We just weren't sure about the one person
3 rule.4 THE COURT: It's her objection. She should be up
5 here.

6 MR. BOVE: There is background that I have more --

7 THE COURT: Ms. Houle, come up.

8 MR. BOVE: Thank you, judge.

9 THE COURT: What is the basis of the objection,
10 Ms. Houle?

11 MS. HOULE: Your Honor, we believe that --

12 THE COURT: Tell me the basis of the objection. Is it
13 evidentiary or something else?14 MS. HOULE: We don't believe that this is relevant,
15 your Honor. I think that the defense is trying to ask the
16 witness --17 THE COURT: Besides irrelevant, the evidentiary
18 objection, is there something about Project Cassandra that is
19 covered by any kind of secrecy?20 MS. HOULE: Well, I don't know exactly the question
21 that defense is going to ask.

22 THE COURT: Does he know of Project Cassandra.

23 MS. HOULE: And what, if any, additional questions
24 were going to be asked after that.

25 THE COURT: Find out. At this point in time there is

J57AAKOUW

Levitt - Cross

1 no objection.

2 MS. HOULE: We don't think that Project Cassandra is
3 relevant at all.

4 THE COURT: I can't tell that at this point.

5 Objection overruled.

6 (Continued on next page)

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

J57AAKOUW

Levitt - Cross

1 (In Open Court)

2 BY MR. SCHACHT:

3 Q. What is Project Cassandra?

4 A. Project Cassandra was an operation led by the Drug
5 Enforcement Administration, DEA, focused on investigation where
6 terrorism and counter narcotics intersected specifically
7 related to Lebanese Hezbollah.

8 Q. And in that operation the DEA was able to obtain evidence
9 and eventually arrest Hezbollah financiers and drug dealers; is
10 that fair to say?

11 A. The DEA collected a lot of information. It led to some
12 arrests. It led to other actions including Treasury Department
13 designations. I can't think of -- I don't know if there had
14 been any convictions here in the United States through Project
15 Cassandra yet.

16 THE COURT: I think that's enough of an answer. Go
17 ahead. Next question.

18 Q. The based on your research, it's fair to say that the
19 American and Israeli governments are able to gather huge
20 amounts of information about Hezbollah; is that fair to say?

21 A. It's certainly true that the United States and Israel and
22 other governments and entities strive to collect information on
23 Hezbollah. I really am not in a position to say how much or
24 how much is a lot.

25 THE COURT: You can't use "huge".

J57AAKOUW

Levitt - Cross

1 MR. SCHACHT: I'll withdraw the word "huge".

2 Q. You, for example, through your research have learned about
3 the identities of many of the people who we saw pictures of,
4 right?

5 A. Correct.

6 Q. And that information partially is as a result of American
7 and other countries' law enforcement and intelligence services,
8 right?

9 A. Some of it and some of it is others -- Bulgarians.

10 Q. Other countries, generally, who are investigating this and
11 share intelligence; is that fair to say?

12 A. A lot of what I'm seeing is at this point if it ever was
13 not intelligence, it's coming out in court or elsewhere but
14 information, yes.

15 Q. Well, if it comes out in court though that's as a result
16 typically of law enforcement and intelligence gathering it and
17 then it's revealed in court?

18 THE COURT: I don't think we're going anywhere with
19 this. We have it that the activities of Hezbollah are of great
20 interest to American intelligence agencies and agencies of
21 other countries, correct?

22 THE WITNESS: Yes.

23 Q. You gave an estimate before about what you believed the
24 roughly annual financial contribution from Iran to Hezbollah
25 is; do you recall talking about that?

J57AAKOUW

Levitt - Cross

1 A. Well, I didn't say what I believed. I quoted what U.S.
2 Government officials state.

3 Q. And that's an example, is it not, of how the U.S.
4 Government is able to learn what otherwise would be secret
5 information?

6 A. Presumably.

7 Q. Well, Hezbollah doesn't publish its budget on a website as
8 far as you know, does it?

9 A. No, Hezbollah doesn't. But, for example, Iran sometimes
10 does publish its budget including how much it's giving to what
11 it refers to as resistance groups. And I don't know you how
12 they came to that number, whether that was through intelligence
13 information, law enforcement information, someone sloppily
14 putting it -- they didn't say.

15 Q. So, you've talked about a lot of things here today; is that
16 fair to say?

17 THE COURT: Next question.

18 Q. You just said that you testified about something and you
19 don't know where the source of that information comes from; did
20 you just say that?

21 A. No.

22 THE COURT: He knows the source of his information.
23 You are asking about authenticating various information by
24 original sources.

25 Q. What's the source of the number \$700 million a year?

J57AAKOUW

Levitt - Cross

1 A. Several U.S. Government officials have used it. The most
2 recent I believe is an ambassador Nathan Sales from the State
3 Department.

4 Q. And that information, do you know where he got that
5 information?

6 A. No.

7 Q. You mentioned before own direct-examination, you talked
8 about the Boston Marathon bombing; do you recall that?

9 A. I mentioned that in response to questions that I had
10 testified in this case.

11 THE COURT: Try to confine your answers to yes or no.
12 Do you remember?

13 THE WITNESS: Yes.

14 Q. And those brothers who carried out that attack, they were
15 ISIS inspired Sunni militants; is that fair to say?

16 A. No, they were not ISIS. They were al-Qaeda inspired.

17 Q. So, they were al-Qaeda and ISIS are both made up
18 predominantly of Sunni Muslims; is that right?

19 A. Extremist Sunni Muslims, but let's not paint all Sunni
20 Muslims as being al-Qaeda or ISIS.

21 Q. But it's fair to say that that has nothing to do with
22 Hezbollah?

23 A. Correct.

24 MR. SCHACHT: I have no other questions.

25 THE COURT: Redirect?

J57AAKOUW

Levitt - Cross

1 MS. HOULE: I have no additional questions, your
2 Honor. There is an instruction that your Honor agreed to give
3 at the end of Dr. Levitt's testimony. If I may pass it up?
4 It's the one agreed to by the parties.

5 THE COURT: Yes, please, pass it up. Make sure that
6 Mr. Schact sees it.

7 (Pause)

8 THE COURT: Members of the jury, you just heard
9 testimony from Dr. Matthew Levitt who is qualified as an expert
10 witness in this case regarding Hezbollah. I'll provide you
11 further instructions at the end of the trial regarding expert
12 testimony. But I want to note at this point two points.

13 First, Dr. Levitt testified to certain historical acts
14 of violence that he assessed were committed by or on behalf of
15 Hezbollah. I want to make clear that the defendant is not
16 charged with committing those particular acts of violence.

17 Second, Dr. Levitt's testimony was admitted to help
18 generally explain the operation, structure, membership and
19 terminology used by Hezbollah and its members. His testimony
20 was presented to you on the theory that someone who is
21 experienced in the field can assist you in understanding the
22 other evidence in the case and then reaching an independent
23 decision on the facts.

24 You may give the testimony of Dr. Levitt and any other
25 expert testimony whatever weight, if any, you find it deserves

J57AAKOUW

Donaldson

1 in light of all the other evidence in this case.

2 You should not however accept this testimony simply
3 because Dr. Levitt is an expert. Nor should you substitute
4 such testimony for your own reason, judgment and common sense.

5 In a word, ladies and gentlemen, this is context and
6 background. It's not being used to pin the defendant on any
7 particular acts charged in the indictment. It's here to let
8 you understand the total circumstances that are depicted in the
9 background of this case and brought by the government. Clear?

10 Ms. Houle, anything else?

11 MS. HOULE: No. Thank you, your Honor.

12 THE COURT: Mr. Schact, anything else.

13 MR. SCHACHT: No. Thank you.

14 THE COURT: Thank you. You are excused, Dr. Levitt.

15 THE WITNESS: Thank you, your Honor.

16 THE COURT: Thank you very much.

17 Next witness please.

18 MR. BOVE: The government calls Reginald Donaldson.

19 Pay attention to the oath please, folks.

20 REGINALD DONALDSON,

21 called as a witness by the Government,

22 having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. BOVE:

25 Q. Mr. Donaldson, where do you work?

J57AAKOUW

Donaldson

1 A. I work for the U.S. Attorney's Office here in Southern
2 District.

3 Q. How long have you worked at the U.S. Attorney's Office?

4 A. A little over nine years.

5 Q. And what is your title there right now?

6 A. Investigative Analyst.

7 Q. Do you focus on a particular type of work?

8 A. Yes.

9 Q. What type of work do you focus on?

10 A. I perform cellphone forensics, call analysis and cell site
11 analysis.

12 Q. Have you received any training relating to searches of
13 cellular telephones?

14 A. Yes.

15 Q. Would you please describe some of that training?

16 A. I've received extensive training from the National White
17 Collar Crime Center on cellphone and computer forensic. I've
18 received training from a company named Sumuri where I was
19 certified on the Cellebrite phone forensic tool. I also
20 received training from a company named MSAB where I received
21 certification on the XLY forensic tool and I also received
22 training from the New York State Department of Justice.

23 Q. Have you received training related to searches of laptops
24 and computers?

25 A. Yes.

J57AAKOUW

Donaldson

1 Q. Could you please describe some of that training?

2 A. Well, that's the same training. Most of that training was
3 from the National White Collar Crime center.

4 Q. Are you familiar with a program known as Forensic Tool Kit?

5 A. Yes.

6 Q. What's that?

7 A. It's a forensic tool used to examine electronic media such
8 as hard drives.

9 Q. About how many times have you participated in a search of
10 an electronic device?

11 A. Thousands.

12 Q. Could you please provide the jury with an overview of how
13 this forensic search process works?

14 A. When have you electronic evidence you cannot work on the
15 evidence, the actual evidence itself because if you start
16 working on it or copying the information off you'll corrupt,
17 damage the actual evidence on the tool. So, you have to use a
18 forensic tool to image that media. And when you image the
19 media's bit by bit copy of that whatever that electronic media
20 is. Then you use a forensic tool to examine that image and
21 that can get you the evidence that you're looking for.

22 Q. So, it sounds like the first step with any device is to
23 extract an image of the device?

24 A. Yes.

25 Q. And that file that results, the image, what would that look

J57AAKOUW

Donaldson

1 like on a computer if you or I tried to open it up?

2 A. It's called a bin file. It's a binary file. It's just
3 ones and zeros. We use what's called a hex viewer. So it
4 makes it look like a hexadecimal alphabet. It's a shortcut for
5 looking at binary instead of looking at ones and zeros. It's a
6 base 16 system where you look at one through, zero through nine
7 after A through F, replaces like the bits.

8 Q. Then you're able to use software to convert those bits into
9 something that I could read?

10 A. Yes.

11 Q. I am going to hand you a cellphone that's in evidence
12 marked as Government Exhibit 204.

13 MR. BOVE: Your Honor, I have a stipulation to offer
14 between the parties. This one is marked Government Exhibit
15 1013. This stipulation reads that:

16 On June 1, 2017, agents from the FBI lawfully seized
17 from the defendant, among other things, an LG GSM MS 330
18 cellphone that is marked Government Exhibit 204, which is up on
19 the witness stand.

20 The cellphone was lawfully searched pursuant to a
21 search warrant. The search revealed that he cellphone
22 contained about 4,601 safe contacts, 1,238 e-mails, 4,754 text
23 messages, 7,996 image files, 2,223 text files, 132 videos and
24 63 Microsoft Word documents.

25 Government's Exhibit 303 is a disk that contains a

J57AAKOUW

Donaldson

1 report relating to data that was lawfully extracted from the
2 cellphone that's on the witness stand. Government Exhibit 303
3 fairly and accurately depicts data extracted from that
4 cellphone.

5 Your Honor, I offer this stipulation, as well as
6 Government Exhibit 303, the report relating to the cellphone.

7 THE COURT: Received.

8 (Government's Exhibits 1013 and 303 received in
9 evidence)

10 MR. BOVE: Ms. Shields, if you could please bring up
11 Government Exhibit 303 and zoom-in on the top.

12 Q. So, Mr. Donaldson, this is labeled "extraction report"?

13 A. Yes.

14 Q. Then you see where it says "tags"?

15 A. Yes.

16 MR. BOVE: Ms. Shields, if you could highlight that.

17 Q. What does that mean?

18 A. This was created from a bigger report where the items of
19 interests were actually checked off to create this report here.

20 Q. So this report sets out a number of items from the
21 cellphone?

22 A. Yes.

23 MR. BOVE: Could we take a look at page 12 please and
24 zoom in on tag 28.

25 (Pause)

J57AAKOUW

Donaldson

1 Q. What's indicated on the screen now, Mr. Donaldson?

2 A. This is one of the tagged items which is from, taken from
3 the user accounts from the phone.

4 MR. BOVE: November, could you highlight where it says
5 "user accounts".

6 (Pause)

7 Q. What does that indicate, Mr. Donaldson?

8 A. That's the section of the report that this tag was taken
9 from. There's a section that has user accounts, any user
10 accounts that were found on the phone.

11 Q. User accounts are accounts that the phone was used to
12 access?

13 A. Yes.

14 MR. BOVE: Ms. Shields, highlight the user name field
15 in the user account column.

16 Q. What is that, Mr. Donaldson?

17 A. That's the user name. It's an e-mail address.

18 MR. BOVE: Now Ms. Shields, if we could bring up page
19 eight please and zoom-in on Tag 20.

20 Q. Now on top left it says 20 in e-mails; do you see that?

21 A. Yes.

22 Q. So, what part of the phone is this tag from?

23 A. This is from the e-mail section of the phone.

24 MR. BOVE: Ms. Shields, highlight the "from" field in
25 the column below that.

J57AAKOUW

Donaldson

1 (Pause)

2 Q. So what is this, Mr. Donaldson?

3 A. That's an e-mail address.

4 Q. Is that the account that was used to send this e-mail?

5 A. Yes.

6 Q. Let's talk about whether or not the e-mail was actually
7 sent.8 MR. BOVE: Ms. Shields, if you could highlight the
9 "status" field in the column labeled "other".

10 (Pause)

11 Q. What does that indicate?

12 A. It says it was unsent so it's probably in the draft section
13 of the e-mail.14 MR. BOVE: Now, I would like to focus on the e-mail
15 account that's highlighted. Ali.M.kourani@GMail.com.16 Your Honor, I have another stipulation to offer. This
17 one is marked as Government Exhibit 1004.18 This stipulation, ladies and gentlemen, relates to a
19 couple, to an exhibit that is disk that contains records from
20 Google related to the e-mail account that we were just looking
21 at Ali.M.kourani@GMail.com.22 Your Honor, I offer stipulation 1004, as well as the
23 disk referenced in the stipulation which is 401 in the contents
24 of Government Exhibit 401.

25 THE COURT: Yes, received.

J57AAKOUW

Donaldson

(Government's Exhibits 1004 and 401 received in evidence)

MR. BOVE: Ms. Shields, could you please bring up
401-A and zoom-in on the top.

(Pause)

Q. Mr. Donaldson, what's this?

A. This is from Google. It's subscriber information.

MR. BOVE: Ms. Shields, if you could highlight the e-mail address please.

Q. Directing your attention to the row above that, what's the user name associated with this account?

A. Ali Kourani.

Q. Can you tell when this e-mail account was created based on this document?

A. Yes. It was created on August 21, 2007.

MR. BOVE: Highlight that date please.

Q. Do you see the entry that's titled "Terms of Service IP"?

A. Yes.

MR. BOVE: Ms. Shields, if you could highlight that.

(Pause)

Q. What is indicated in that row, Mr. Donaldson?

A. When a user creates a Google account, they have to agree to terms of service. And once they do that Google records the IP address that it came from.

Q. Is it sometimes possible to identify the geographic

J57AAKOUW

Donaldson

1 location that's linked to a particular IP address?

2 A. Yes.

3 Q. Are there websites that provide that type of information?

4 A. Yes.

5 Q. Are those generally reliable and used by people in your
6 fields?

7 A. Yes.

8 Q. Were you able to identify a geographic location associated
9 with the IP addresses highlighted on the screen ending in .34?

10 A. Yes.

11 Q. What location was that?

12 A. It came from a CUNY college in New York.

13 MR. BOVE: Now, I'd like to take a look at some of the
14 Internet activity associated with this e-mail account.

15 Ms. Shields, if you could bring up Government Exhibit
16 401C.

17 (Pause)

18 MR. BOVE: If you could start by highlighting row 3.

19 Q. So, Mr. Donaldson, is this internet activity associated
20 with the e-mail account in row 3 the Ali.m.kourani account?

21 A. Yes.

22 Q. Generally speaking, how is this document organized?

23 A. It's organized by activity. Should be date order that was
24 on account for it, period.

25 Q. Does it reflect internet searches?

J57AAKOUW

Donaldson

1 A. Yes.

2 Q. As well as websites visited?

3 A. Yes.

4 MR. BOVE: Ms. Shields, if you could please highlight
5 row 155 in this exhibit.

6 (Pause)

7 Q. Mr. Donaldson, what's reflected in that row?

8 A. On January 29, 2008, there was a search for Lebanon second
9 war battles events Leningrad.

10 MR. BOVE: Ms. Shields, highlight row 148.

11 Q. What's reflected here, Mr. Donaldson?

12 A. On May 16, 2008, a search was made for Al-Manar.

13 Q. Now, let's look at the row right above that, row 147.

14 What's reflected in that row?

15 A. On May 16, 2008 this site www.Al-Manar.com.LB was visited.

16 MR. BOVE: If could you move this exhibit to the top
17 window please and in the bottom window please bring up
18 Government Exhibit 101 on page two.

19 (Pause)

20 MR. BOVE: If you could please zoom-in on the fourth
21 paragraph and highlight the first sentence.

22 So, this is stipulation between the parties, ladies
23 and gentlemen, that's in evidence already. The first sentence
24 of this paragraph says Al-Manar and Al Nour are media arms of
25 Hezbollah.

J57AAKOUW

Donaldson

1 Ms. Shields, if you could now bring Government Exhibit
2 401C back in the main window and let's focus on row 104.

3 (Pause)

4 Q. What is indicated here, Mr. Donaldson?

5 A. On December 11, 2012 there was a search for an application
6 to spy on iPhone.

7 Q. What about row 79, what's indicated in this row?

8 A. November 2, 2013, there was a search for defined
9 conspiracy.

10 MR. BOVE: Now, let's take a look at row 52, please.

11 (Pause)

12 Q. What's in row 52 of the exhibit?

13 A. On April 3, 2014, site was visited by the name of
14 anti-polygraph.org.

15 Q. Now, if I could direct your attention to the row just above
16 that, 51, what's indicated there?

17 A. On the same date a site was visited Wiki, How for Cheat a
18 Polygraph Test.

19 MR. BOVE: Take that down please, Ms. Shields, and go
20 back to the subscriber information for this account, Government
21 Exhibit 401A. If you could zoom-in on to the top please.

22 Thank you. And highlight the entry titled "recovery e-mail".

23 (Pause)

24 Q. Mr. Donaldson, what's a recovery e-mail?

25 A. When a Google account is created the user will indicate a

J57AAKOUW

Donaldson

1 secondary e-mail address in case they get locked out of the
2 account because they forgot the password or something. So,
3 they put in a secondary e-mail address.

4 Q. So here the recovery e-mail is AliKouKou@hotmail.com?

5 A. Yes.

6 MR. BOVE: Your Honor, at this time I have another
7 stipulation to offer. This one is marked Government Exhibit
8 1005.

9 Ladies and gentlemen, this stipulation relates to some
10 documents from Microsoft that are on disks marked 402 and 403.
11 The disk marked 402 contains records relating to AliKouKou
12 e-mail address that was just up on the screen.

13 Your Honor, pursuant to this stipulation marked 1005,
14 I offer the stipulation, as well as the exhibits referenced in
15 the stipulation, Government Exhibit 402 and 403.

16 THE COURT: Received.

17 (Government's Exhibits 1005, 402 and 403 received in
18 evidence)

19 MR. BOVE: Ms. Shields, if you could bring up
20 Government Exhibit 402A please and zoom-in on the top.

21 Q. What is this, Mr. Donaldson?

22 A. This is a Microsoft account by the name of
23 AliKouKou@Hotmail.com.

24 (Continued on next page)

J57KKOU3

Donaldson - Direct

1 BY MR. BOVE:

2 Q. Let's take a look at the actual subscriber information.

3 MR. BOVE: If we can go to the next page of the
4 exhibit. And zoom in on the table at the top.

5 Q. What's the user name associated with this account,
6 Mr. Donaldson?

7 A. Ali K.

8 MR. BOVE: If you could highlight that, please,
9 Ms. Shields.

10 Q. And directing your attention to the bottom row, when was
11 this account registered?

12 A. April 23rd, 2002.

13 Q. Now we're going to take a look at the contact entries saved
14 in this email account, alikuku@hotmail.com.

15 MR. BOVE: Ms. Shields, if you could please bring up
16 Government Exhibit 402-B, and let's please highlight row 51.

17 Q. Mr. Donaldson, the first column in this exhibit, column A
18 says "Target ID"?

19 A. Yes.

20 Q. The account listed as alikuku@hotmail.com; is that right?

21 A. Yes.

22 Q. So these are contacts saved in that email account?

23 A. Yes.

24 Q. So what's indicated in column B for row 51?

25 A. Helal_kedal@hotmail.com.

J57KKOU3

Donaldson - Direct

1 Q. If you could take a look at column G, please. That's
2 titled "Create Date." Do you see that up on the top?

3 A. Yes.

4 Q. What's the create date for the contact with this email?

5 A. October 19, 2011.

6 Q. Now we're going to take a look at the subscriber
7 information for the Helal_Kedal account.

8 MR. BOVE: If we could move the exhibit on the screen
9 to the top. And on the bottom, please bring up Government
10 Exhibit 403. I'd like to focus Mr. Donaldson on the bottom
11 part of the screen that's Government Exhibit 403, row 5.

12 Q. What's reflected here?

13 A. It's called a registration profile.

14 Q. What is the user name provided for this account, the
15 Helal_Kedal account?

16 A. Helal Kedal.

17 Q. In what country was this account established?

18 A. Lebanon.

19 Q. And on what date?

20 A. October 15, 2011.

21 MR. BOVE: Now, Ms. Shields, if you could highlight
22 row 7 of Government Exhibit 403.

23 Q. The title here is "IP Connection History." Do you see
24 that?

25 A. Yes.

J57KKOU3

Donaldson - Direct

1 Q. And in column D, there's an IP address 185.22.33.1?

2 A. Yes.

3 Q. Were you able to determine the geographic area associated
4 with that IP address?

5 A. Yes.

6 Q. Do you recall the location?

7 A. It's Lebanon.

8 MR. BOVE: You can take those down, please,
9 Ms. Shields.

10 Your Honor, I have another stipulation to offer.

11 THE COURT: Okay.

12 MR. BOVE: This one relates to Facebook accounts, and
13 this one is marked as Government Exhibit 1006. So there are a
14 few Facebook accounts that are going to come into evidence now.
15 For one of them marked Government Exhibit 404, the user name is
16 Ali Kouran; the next, Government Exhibit 405, the user name is
17 Ali Kourani; the next one, Government Exhibit 406, the user
18 name is Bilal Kourani; and, finally, Government Exhibit 407,
19 it's a Facebook account with the user name Mohammad Sadek.

20 At this time we'll offer Government Exhibit 1006, the
21 stipulation, as well as Government Exhibits 404 through 407.

22 THE COURT: Received.

23 (Government's Exhibits 1006 and 404 through 407
24 received in evidence)

25 MR. BOVE: Ms. Shields, if you could please bring up

J57KKOU3

Donaldson - Direct

1 Government Exhibit 404. Thank you.

2 If you could zoom in from the top of the document to
3 the address information. Let's start by highlighting the
4 target number at the top.

5 BY MR. BOVE:

6 Q. Mr. Donaldson, what's a target number at Facebook?

7 A. It's an account number.

8 MR. BOVE: And, Ms. Shields, if you could please
9 highlight the user name associated with Government Exhibit 404.

10 Q. What's the user name, Mr. Donaldson?

11 A. Ali Kouran.

12 MR. BOVE: Now, Ms. Shields, if you could highlight
13 the first two email addresses listed as registered email
14 addresses.

15 Q. Do you see those, Mr. Donaldson?

16 A. Yes.

17 Q. Are those the two email addresses we've been talking about
18 so far today?

19 A. Yes.

20 MR. BOVE: Ms. Shields, if you could zoom out a little
21 bit to look at the registration date and the address.

22 Q. Mr. Donaldson, do you see where it says address towards the
23 bottom of the screen?

24 A. Yes.

25 Q. What information was provided there?

J57KKOU3

Donaldson - Direct

1 A. Just the city and state. New York, New York.

2 Q. In the top left, do you see where it says registration
3 date?

4 A. Yes.

5 Q. What's the date provided?

6 A. April 29, 2007.

7 MR. BOVE: Ms. Shields, could we take a look at page
8 12 of this exhibit. If you could zoom in on the photo in the
9 metadata.

10 Q. What is this, Mr. Donaldson?

11 A. This is an image from the account.

12 Q. Can you see the date that it was uploaded?

13 A. May 30, 2008.

14 Q. Now let's take a look at page 13.

15 What is this, Mr. Donaldson?

16 A. It's another image from the account.

17 Q. Do you see the upload date?

18 MR. BOVE: We need to go to page 14, please. If you
19 can zoom in on that.

20 Q. When was that photo uploaded?

21 A. January 16, 2009.

22 Q. Now let's take a look at page 15, please.

23 MR. BOVE: If you can zoom in on the photo down to the
24 upload date, please, Ms. Shields. Thank you.

25 Q. What is this, Mr. Donaldson?

J57KKOU3

Donaldson - Direct

1 A. Another image from the account.

2 Q. And when was this one uploaded?

3 A. February 23rd, 2011.

4 Q. Now I'd like to look at some of the chat sessions that were
5 stored in this account, Government Exhibit 404.

6 MR. BOVE: Ms. Shields, could you please go to page 17
7 of this exhibit. If you can zoom in on the title and the first
8 two chats.

9 Q. Mr. Donaldson, who are listed as the participants in this
10 chat?

11 A. Mohammad Sadek and Ali Kouran.

12 Q. And Ali Quran is the user name on this account, Government
13 Exhibit 404, right?

14 A. Yes.

15 Q. And directing your attention to the entry in the middle, in
16 the sent date, can you see when this chat session began?

17 A. June 16, 2011.

18 MR. BOVE: Ms. Shields, if you could highlight that,
19 please.

20 Q. In the row below that, the row below the ones that are
21 highlighted, it says deleted - true. Do you see that?

22 A. Yes.

23 Q. What does that mean?

24 A. The actual chats were deleted from the account.

25 Q. By the user of the account that's Government Exhibit 404?

J57KKOU3

Donaldson - Direct

1 A. Yes.

2 MR. BOVE: If you can zoom out, Ms. Shields.

3 BY MR. BOVE:

4 Q. Were all the chats on this page deleted?

5 A. Yes.

6 Q. What about the next page?

7 MR. BOVE: Ms. Shields?

8 A. Yes.

9 Q. So now let's take a look at the Mohammed Sadek account, the
10 other side of this chat. That Facebook account is marked
11 Government Exhibit 407.

12 MR. BOVE: Ms. Shields, if you could move the deleted
13 chats to the left, and on the right, please bring up 407. If
14 you could zoom in on the top down to the registered email
15 addresses. That's perfect. Thank you.

16 Q. Mr. Donaldson, what's the user name in Government Exhibit
17 407?

18 A. Mohammad Sadek.

19 Q. If I could have you take a look at the target number on the
20 right side of the screen, Government Exhibit 407. Do you see
21 that number ending in 1921?

22 A. Yes.

23 MR. BOVE: Ms. Shields, on the left, could you zoom in
24 on the chat, the second one from the top.

25 Q. How does the target number associated with Government

J57KKOU3

Donaldson - Direct

1 Exhibit 407 ending in 1921 compare to the target number on the
2 left side of the screen in Government Exhibit 404?

3 A. It's the same number.

4 MR. BOVE: Ms. Shields, on the right side of the
5 screen, could you please bring up page 6 of Government Exhibit
6 407. If you could zoom in on the photo, please. And down to
7 the upload date.

8 BY MR. BOVE:

9 Q. Mr. Donaldson, can you tell from the exhibit -- one second,
10 I apologize. Can you tell from this exhibit when it was
11 uploaded?

12 A. August 25th, 2016.

13 MR. BOVE: Ms. Shields, if you could highlight the
14 title entry on this page.

15 So, ladies and gentlemen, this is one of those times
16 where there's an exhibit that contains some foreign language
17 material, so there's a translation that the parties have agreed
18 to.

19 And so, Ms. Shields, if you could bring up page 8,
20 please. If you can zoom in on the photo down to the title.

21 Q. Mr. Donaldson, can you read the translation of the title
22 associated with that photo?

23 A. "A meeting like a dream."

24 MR. BOVE: Now, Ms. Shields, in the left window, could
25 you please bring up the photo of Hezbollah's Secretary General

J57KKOU3

Donaldson - Direct

1 Nasrallah, which is marked as Government Exhibit 103.

2 You can take that down.

3 BY MR. BOVE:

4 Q. We're now going to go back for a moment to the saved
5 contacts in the Ali.M.Kourani account. This is Government
6 Exhibit 401-B.

7 MR. BOVE: Can you bring up that, please, Ms. Shields.
8 And this is the first saved contact that's in this exhibit, but
9 I'd like to take a look at the one on page 8, please.

10 If you can zoom in on the entry.

11 Q. So what's the title of this entry, Mr. Donaldson?

12 A. It says Aleex Kouran.

13 Q. It's associated with an email account
14 alikourani1985@hotmail.com. Do you see that?

15 A. Yes.

16 Q. Let's take a look now at one of the emails from this
17 account that's in evidence, Government Exhibit 401-D-5.

18 MR. BOVE: Zoom in on the top email.

19 Q. Mr. Donaldson, what's this?

20 A. It's an email from Ali Kourani to Alikourani1985.

21 Q. So it's from that Gmail account that we've been looking at,
22 correct?

23 A. Yes.

24 Q. And the message was sent to that alikourani1985 account
25 that we just had open in the contacts page?

J57KKOU3

Donaldson - Direct

1 A. Yes.

2 Q. And what was the date of this email?

3 A. June 19, 2013.

4 MR. BOVE: Ms. Shields, on the left side of the
5 screen, if you could please bring up the contacts entry, 401-B
6 at page 8. If you could zoom in just on the contact name and
7 the email address. And then on the left side of the screen,
8 let's look at the Facebook account that's associated with this
9 email address, alikourani1985. And that Facebook account is
10 marked Government Exhibit 405.

11 Q. So let's start with this account by looking at the user
12 name and email addresses.

13 So, focusing on the right side of the screen,
14 Mr. Donaldson, 405, what's the user name?

15 A. Ali Kourani.

16 MR. BOVE: Ms. Shields, could you please zoom in on
17 the second email address.

18 Q. Is that the same email address that's in the saved contact
19 on the left side of the screen, Mr. Donaldson?

20 A. Yes.

21 MR. BOVE: Focusing on 405 again, Ms. Shields, if you
22 could zoom in on the current city associated with that account.

23 Q. Is that a city in Lebanon, Mr. Donaldson?

24 A. Yes.

25 MR. BOVE: Now, on the right side of the screen, could

J57KKOU3

Donaldson - Direct

1 we take a look at page 4, please, of Government Exhibit 405.

2 BY MR. BOVE:

3 Q. What is this, Mr. Donaldson?

4 A. This was an image from the account.

5 Q. Without making this too much of a vision test, can you tell
6 what the upload date was at the bottom of the screen?

7 A. August 22nd, 2015.

8 Q. Thank you.

9 MR. BOVE: Can we take a look at page 6, please.

10 Q. Mr. Donaldson, what's this?

11 A. Another image from the account.

12 MR. BOVE: Ms. Shields, if we can zoom in on the image
13 down to the upload date.

14 Q. When was this photo uploaded to Government Exhibit 405?

15 A. August 31st, 2013.

16 MR. BOVE: Ms. Shields, if you could highlight the
17 title. This is another one of those foreign language exhibits,
18 so now we'll bring up the translation, which is page 7 of
19 Government Exhibit 405. Can you zoom in, please, on the photo
20 and the translation.

21 BY MR. BOVE:

22 Q. Mr. Donaldson, what is the title of the translated version
23 of this on page 7 of Government Exhibit 405?

24 A. "May You Be Well Year After Year, O Sayid. Wishing You 200
25 Happy Years."

J57KKOU3

Donaldson - Direct

1 MR. BOVE: Ms. Shields, can we please take a look at
2 page 10 of this exhibit, 405.

3 BY MR. BOVE:

4 Q. Is this another photo uploaded to the account,
5 Mr. Donaldson Donaldson?

6 A. Yes.

7 MR. BOVE: You can take those down, please,
8 Ms. Shields.

9 Q. Now I'd like to go back to the Facebook account that's
10 marked as Government Exhibit 404, the one with the photographs
11 of the defendant.

12 MR. BOVE: If you could please bring up page 35 of
13 that exhibit. If you could zoom in on the title and the first
14 couple of entries, please. The first three.

15 Q. Mr. Donaldson, these look like more chat entries from the
16 Facebook account marked Government Exhibit 404; is that right?

17 A. Yes.

18 Q. I think you said earlier that the account ending in the
19 number 9729 is the user of the account marked Government
20 Exhibit 404?

21 A. Yes.

22 Q. Who is the other participant in this chat group?

23 A. Bilal Kourani.

24 Q. When did these chats with Bilal Kourani begin, according to
25 the next entry in this exhibit?

J57KKOU3

Donaldson - Direct

1 A. October 23rd, 2011.

2 MR. BOVE: Ms. Shields, could you zoom out, so we can
3 see the whole page.

4 BY MR. BOVE:

5 Q. Were all of these messages deleted, also, Mr. Donaldson?

6 A. Yes.

7 Q. Now we're going to take a look at the Bilal Kourani
8 Facebook account, the other participant in these chat messages.

9 MR. BOVE: Ms. Shields, if you can move this to the
10 left and bring up Government Exhibit 406 on the right. If you
11 could zoom in on the top down to the user name, please. That's
12 perfect. If you could zoom in on the first chat on the left,
13 so that Mr. Donaldson can compare the targeted numbers.

14 Q. Are those the same, Mr. Donaldson?

15 A. Yes.

16 Q. On the right side of the screen, is the Bilal Kourani
17 Facebook account?

18 A. Yes.

19 MR. BOVE: Ms. Shields, let's take a look at page 2 of
20 Government Exhibit 406.

21 Q. What is this, Mr. Donaldson?

22 A. An image from the account.

23 MR. BOVE: Let's take a look at page 4, please.

24 Page 9, please.

25 Page 6.

J57KKOU3

Donaldson - Direct

1 Page 7.

2 Page 13.

3 Page 11. This is another one of those foreign
4 language exhibits, ladies and gentlemen, so let's start by
5 zooming in on the photo.

6 Now if we could take a look at the translation, which
7 is page 12 of this exhibit.

8 BY MR. BOVE:

9 Q. So what does the translation say, Mr. Donaldson?

10 A. "I might come back or I might not. So, forgive me."

11 Q. Now let's take a look at page 10 of Government Exhibit 406.

12 MR. BOVE: Ms. Shields, in the heft window, if you
13 could bring up the Hezbollah flag, which is Government Exhibit
14 101.

15 Your Honor, I'm about to turn into the defendant's
16 laptop. This might be a good transition point for the day.
17 I'm happy to continue.

18 THE COURT: In what sense?

19 MR. BOVE: I have a substantial amount of questions
20 about the search of the --

21 THE COURT: It's a good time to break?

22 MR. BOVE: Yes, your Honor.

23 THE COURT: Excellent thought.

24 Brigitte.

25 All right. Members of the jury, close up your books,

J57KKOU3

Donaldson - Direct

1 give them to Ms. Jones on the way out. We'll return them
2 tomorrow morning.

3 Ms. Jones keeps them under strict scrutiny. No one
4 can read them. See you tomorrow morning at 10:00 o'clock.

5 JUROR: Thank you, Judge.

6 (Jury not present)

7 THE COURT: Okay. See you tomorrow at 10:00 o'clock.

8 MR. BOVE: Thank you.

9 MS. HOULE: Thank you, your Honor.

10 (Adjourned to May 8, 2019 at 10:00 a.m.)

11 * * *

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 INDEX OF EXAMINATION

2	Examination of:	Page
3	DANIEL GANCI	
4	Direct By Mr. Bove	23
5	Cross By Mr. Bove	65
6	Redirect By Mr. Bove	68
7	MATTHEW LEVITT	
8	Direct By Ms. Houle	69
9	Cross By Mr. Schacht	129
10	REGINALD DONALDSON	
11	Direct By Mr. Bove	147

12 GOVERNMENT EXHIBITS

13	Exhibit No.	Received
14	10-A, 10-B and 10-C	31
15	201 through 204	38
16	901	43
17	150 through 174	47
18	210 and 212 through 219	48
19	220	58
20	221 through 223	58
21	224 through 230	60
22	1002	79
23	1	81
24	101	86
25	104	91

1	5	94
2	113	100
3	103	103
4	105	104
5	102	107
6	1001	108
7	106	109
8	107	112
9	112	113
10	108	114
11	111	115
12	110	116
13	115	117
14	109	128
15	1013 and 303	151
16	1004 and 401	154
17	1005, 402 and 403	158
18	1006 and 404 through 407	161
19		
20		
21		
22		
23		
24		
25		